



CITY OF SACRAMENTO

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

FILED
By the City Council
Office of the City Clerk

MARTY VAN DUYN
PLANNING DIRECTOR

January 19, 1984

City Council
Sacramento, California

JAN 24 1984

Honorable Members in Session:

SUBJECT: Appeal of Planning Commission's approval of ratification of Negative Declaration and Special Permit to construct a five-story (62') medical office/retail building of 83,500± square feet of gross floor area and 421 parking spaces on a developed acre in the General Commercial (C-2) zone exceeding the allowed 45 foot height limit by an additional 17 feet. (P83-211) (APN: 007-113-12-20)

LOCATION: Northeast corner of K and 28th Streets

SUMMARY

This is a request for entitlements necessary to develop a five-story, 83,500 square foot medical office/retail building with a 421 parking space structure in the C-2 zone. On December 1, 1983, the City Planning Commission ratified the Negative Declaration and approved the Special Permit subject to conditions to allow the office development. On December 7, 1983, the City's Design Review and Preservation Board approved with conditions the architectural design of the proposed building. An appeal of the Planning Commission's approval was filed on December 8, 1983 by the California Parks and Recreation Department. Subsequently the applicant, appellant and staff have been meeting to discuss the height issue. On January 18, 1984, the appellant withdrew the appeal. The City Council needs to determine if it wants to schedule a public hearing to consider this project under the Major Project Review provision.

BACKGROUND INFORMATION

The City Zoning Ordinance requires a Special Permit from the Planning Commission for any project in the Central City that exceeds 75,000 square feet. The Ordinance also provides the City Council the opportunity to review the Commission's action.

On December 1, 1983, the Commission ratified the Negative Declaration and approved the Special Permit to construct a five-story medical/retail space of 83,500 gross square feet with a 421 parking space structure of 119,000 gross square feet which exceeded the allowed 45 foot height limit by an additional 17 feet. The California Park and Recreation Department opposed the project at the Commission hearing and filed an appeal of the Commission's action. Subsequently the applicant presented a series of photographs that indicated the 62 foot high structure would be slightly visible above the tree line from inside Sutter's Fort. The California Park and Recreation staff withdrew the appeal; however, it is concerned with future buildings creating a significant visual impact on Sutter's Fort. The City Planning staff indicated to the State that it will advise the development community of the State's concern, assist in scheduling and organizing the State to present its concerns to the City Council and Planning Commission, City staff will immediately forward any development applications for buildings whose heights might be inappropriate in proximity to State historic facilities.

The Design Review/Preservation Board on December 7, 1983 reviewed and approved the proposed project with conditions by a vote of four eyes, one no, and two absent.

Attached for the Council's consideration is the Planning Commission's staff report and letter withdrawing the appeal, as well as a SOCA letter supporting this project.

VOTE OF THE PLANNING COMMISSION

On December 1, 1983, the Planning Commission, by a vote of eight eyes and one abstention approved the project.

RECOMMENDATION

The City Council should decide whether or not to hear this project.

Respectfully submitted,

Marty Van Duyn cc

Marty Van Duyn
Planning Director

CC:lao
attachments
P83-211
wp 1E

January 24, 1984
District No. 4

SACRAMENTO CITY PLANNING COMMISSION

15

MEETING DATE December 1, 1983
 ITEM NO. 14a FILE NO. P-83-211
 M-_____

- GENERAL PLAN AMENDMENT TENTATIVE MAP
- COMMUNITY PLAN AMENDMENT SUBDIVISION MODIFICATION
- REZONING ENVIRONMENTAL DET.
- SPECIAL PERMIT OTHER _____
- VARIANCE _____

Recommendation LOCATION: NE corner of 28th & K Streets

- Favorable w/cond.
- Unfavorable Petition Correspondence

NAME	PROPOSENTS	ADDRESS
<u>Ed Hacto</u>		

NAME	OPPONENTS	ADDRESS
<u>Dick Troy (Dir. Capitol Area Parks + Museums - State)</u>		
<u>Connie Finster (Sacramento Old City Assoc.)</u>		

MOTION NO. _____

MOTION:

	YES	NO	MOTION	2ND
Augusta	✓			
Fong	<u>abstain</u>			
Holloway	✓			
Hunter	✓		✓	
Ishmael	✓			
Larson	✓			
Silva	✓			
Simpson	✓			✓
Goodin	✓			

- TO APPROVE
 - TO DENY
 - TO APPROVE SUBJECT TO ^{amended} COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT
 - TO DENY BASED ON FINDINGS OF FACT IN STAFF REPORT
 - INTENT TO APPROVE/DENY SUBJECT TO COND. & BASED ON FINDINGS OF FACT DUE
 - TO RECOMMEND APPROVAL & FORWARD TO CITY COUNCIL
 - TO RECOMMEND APPROVAL SUBJECT TO COND. & FORWARD TO CITY COUNCIL
 - TO RATIFY NEGATIVE DECLARATION
 - TO CONTINUE TO _____ MEETING
- OTHER _____

STAFF REPORT AMENDED 12-1-83
CITY PLANNING COMMISSION

927 - 10th Street, Suite 300 - SACRAMENTO, CALIFORNIA 95814

APPLICANT	Fort Sutter Development Group, 2012 'H' St., Ste. 101, Sacto., CA		
OWNER	Fort Sutter Development Group, 2012 'H' St., Ste. 101, Sacramento, CA		
PLANS BY	Ed Kado & Associates		
FILING DATE	6/27/83	50 DAY CPC ACTION DATE	REPORT BY: GM:bw
NEGATIVE DEC	11-4-83	EIR	ASSESSOR'S PCL NO 007-113-12 thru 20

- APPLICATION:
1. Environmental Determination
 2. Special Permit to construct 5-story medical office/retail building of 83,500± sq. ft. & 119,000 sq. ft. of parking area consisting of 421 spaces on 1± ac. in the C-2 zone.
 3. Special Permit to exceed 45 foot height limit to 62 feet

LOCATION: Northeast corner of 28th & K Streets

PROPOSAL: The applicant is requesting the necessary entitlements to develop a five-story medical office building with ground floor retail space and parking structure containing 421 spaces.

PROJECT INFORMATION:

1974 General Plan Designation: Commercial
 1980 Central City Community Plan Designation: Commercial
 Existing Zoning of Site: C-2
 Existing Land Use of Site: 4 residential & 4 commercial structures

Surrounding Land Use and Zoning:

North: Restaurant & Gas Station; C-2
 South: Future Sutter Hospital Building; H
 East: Mobil Gas Station; C-2
 West: Office, Parking Lot; C-2

Parking Required: 390 spaces
 Parking Provided: 421 spaces
 Parking Ratio: 1:200-medical; 1:400 & 1:250-retail
 Property Dimensions: 160' x 240'
 Property Area: 38,400 square feet
 Square Footage of Building: 83,440 (office); 119,000 (parking area)
Total = 202,640

Height of Building: Five-story/62 ft.
 Topography: Flat
 Street Improvements/Utilities: Existing
 Exterior Building Colors: Buff/tan colored dry-vit & red brick veneer
 Exterior Building Materials: Dry-vit inlaid with red brick veneer

BACKGROUND INFORMATION: The subject site encompasses a 160' x 240' (0.9± ac.) area at the northeast corner of 28th & K Streets. The site presently contains four residential structures and four commercial/office buildings. The existing structures will be removed to clear the site for the subject development. None of the structures are listed on either the City's Residential or Non-Residential Buildings Official Register.

The subject site is zoned General Commercial (C-2) and surrounded by commercial developments on the west, north and east. Sutter General's new hospital building will be constructed on the block to the south.

APPLICANT'S PROPOSAL

The applicant is proposing to develop a five-story medical office with the building consisting of the following uses:

Ground floor retail	12,200 gross square feet
Medical Office (2-5 floors)	71,240 gross square feet
Parking Garage (5½ levels)	<u>119,200</u> gross square feet (421 spaces)
Total Gross Square Feet	202,640

The applicant's project incorporates a diagonal main entry wall recessed approximately 33 feet from the 28th and 'K' Street corner property line and a four-foot wide planter strip adjacent to the south and west elevations of the building. The second floor of the building extends two feet over the south and west property lines, but is stepped back with open balconies at the third through fifth floors facing 28th Street as well as the fifth floor facing 'K' Street. The project also proposes ground floor retail commercial space consisting of a total of 12,200 gross sq. ft. (9,050 sq. ft. net) along the 28th and 'K' Street block face.

As a trade off for providing additional landscaping and ground floor retail, the applicant is requesting a special permit approval to increase the height of the building from the C-2 limit of 45 feet to a height of 62 feet to allow the development of a five-story building.

STAFF EVALUATION: Staff has the following comments regarding this project:

1. Building Height: The height standard for the C-2 zone is 45 feet. The Zoning Ordinance allows projects to exceed the established height limit for zones within the Central City, subject to the approval of a special permit. The special permit requirement allows the Commission to review the merits of the project on a case-by-case basis and determine whether the additional height is compatible to surrounding buildings.

The applicant proposes to construct a five-story office building at a height of 62 feet which is 17 feet higher than the 45-foot standard. The adjacent block to the south will be developed with a five-story hospital building at a height of 81 feet to the plate line. The Eastern Star Temple is located across 28th Street to the west of several lots from the corner and is at a height equal to a four-story building.

Staff is supportive of the applicant's request, based upon the fact that there are other structures existing, or soon to be constructed, in the vicinity of the subject site, that are of a similar or greater height than the applicant's project. The applicant proposes a stepped back terrace design at the upper levels, thereby mitigating the visual impact of the structure upon the surrounding area. The stepped back design feature in combination with the existance of large mature street trees along both sides of 'K' and 28th Streets also softens the visual impact of the structure on Sutter's Fort Historic Park.

The other basis for granting the increased height is the incorporation of ground floor retail space and increased landscaping treatment along the 28th and 'K' Streets block face. Staff is supportive of a mixed use development at this location. The special permit shall be conditioned to restrict tenant use of the ground floor area to retail business uses only.

2. ENVIRONMENTAL DETERMINATION: The Environmental Coordinator has determined that the project could potentially have significant impacts on the environment in the areas of circulation and traffic, noise, aesthetics, air quality, historic and natural resources. All of these potential impacts were found to be mitigable to a less than significant level. Therefore, the Environmental Coordinator has filed a Negative Declaration with the following mitigation measures:

- a. The applicant shall submit to the City Planning Director for review and approval, a transportation management plan prior to the issuance of a City Building permit;
- b. The applicant shall provide two-way driveway widths and vehicular visual access to the satisfaction of the City Traffic Engineer prior to issuance of a City Building permit;
- c. The applicant shall submit an interim parking management plan covering vehicular parking for construction employees during development of the proposed structure. This plan shall be submitted for the review and approval of the Planning Director prior to issuance of a City Building permit;
- d. In order to minimize noise generation from the parking facility, the parking structure shall be designed so as to include rough surfaced pavement as well as quiet warning equipment at driveway exits.
 The parking areas shall be well lighted to provide security, with minimum illumination level equal to five average maintained foot candles. The top floor lighting shall be shielded so as to not reflect into adjacent land uses. The applicant shall also incorporate outdoor perimeter lighting around the building and along the alley to improve public safety and security;
- e. The applicant shall provide air ventilation systems for the proposed structure pursuant to the 1979 Uniform Building Code (Sec. 705) and to the satisfaction of the City Building Division Superintendent prior to the issuance of building permit;
- f. Construction activity shall be limited to between the hours of 7:30 A.M. and 5 P.M. on weekdays and effective noise muffling equipment shall be installed on the heavy construction equipment;
- g. The subject site is developed with four residential structures worthy of relocation and rehabilitation. The applicant shall make the structures available to interested parties for relocation or relocate the buildings themselves. In the event the applicant is not successful in providing relocation of the existing structures, the City will require a 180 day demolition suspension and implement the following mitigation measures:
 - 1) the applicant shall secure each building to prevent entry by vagrants or transients;
 - 2) keep the site free of trash, litter and weeds;
 - 3) during the 180-day period, the City will attempt to locate interested persons to relocate the buildings. Relocation plans will be developed to meet the requirements of the City Building Division and Design Review/ Preservation Board prior to issuance of a moving permit.

- h. The applicant shall protect and/or replace with like size and species any vegetation, including street trees, that are impacted as a result of project implementation to the satisfaction of the Planning Director and City Arborist prior to approval of the final inspection of the structure by the Building Inspector;
 - i. If unusual amounts of bone, stone or artifacts are uncovered, the applicant will cease construction immediately within 50 meters of the find and a qualified archaeologist shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less than significant level before construction resumes;
 - j. Signage for the building shall be reviewed and approved by the City Planning Director prior to issuance of sign permits;
 - k. The Design Review/Preservation Board shall review and approve the proposed structure prior to issuance of building permits.
3. The subject site consists of nine individual parcels. The applicant will be required to file a lot line merger application prior to issuance of building permit.
 4. The project was submitted to the Sacramento Old City Association for review and comment. There were no objections to the applicant's proposal. A copy of their letter is included as an attachment.

STAFF RECOMMENDATION: Staff recommends the following actions:

1. Ratification of the Negative Declaration;
2. Approval of the Special Permit to develop a major project consisting of a five-story, 83,500± square foot medical office building, subject to conditions and based on the Findings of Fact which follow;
3. Approval of the Special Permit to exceed the 45-foot height limit to 62 feet.

Conditions

- a. The ground floor space, consisting of 9,050± net leasable square feet, shall be restricted to retail businesses only. No office use shall be permitted;
- b. The applicant shall submit to the City Planning Director for review and approval, a transportation management plan prior to issuance of building permit;
- c. The applicant shall design the parking facility to provide adequate two-way driveway widths and vehicular visual access to the satisfaction of the City Traffic Engineer prior to issuance of building permit;
- d. The applicant shall submit an interim parking management plan covering vehicular parking for construction employees during development of the proposed structure. The plan shall be submitted for the review and approval of the Planning Director prior to issuance of building permit;

- e. In order to minimize noise generation from the parking facility, the parking structure shall be designed so as to include rough surfaced pavement as well as quiet warning equipment at driveway exits. The parking areas shall be well lighted to provide security with minimum illumination level equal to five average maintained foot candles. The top floor lighting shall be shielded so as to not reflect into adjacent land uses. The applicant shall also incorporate outdoor perimeter lighting around the building and along the alley to improve public safety and security. The final plans incorporating the lighting plan for the parking facility and perimeter of the building shall be submitted to the Planning Director and Building Division prior to issuance of building permit;

- f. The applicant shall provide air ventilation systems for the proposed structure pursuant to the 1979 Uniform Building Code (Sec. 705) and to the satisfaction of the City Building Division Superintendent prior to the issuance of the building permit;
- g. Construction activity shall be limited to between the hours of 7:30 A.M., and 5 P.M. on weekdays and effective noise muffling equipment shall be installed on the heavy construction equipment;
- h. The applicant shall protect and/or replace with like size and species any vegetation, including street trees, that are impacted as a result of project implementation to the satisfaction of the Planning Director and City Arborist prior to approval of final inspection of the project by the Building Inspector;
- i. If unusual amounts of bone, stone or artifacts are uncovered, the applicant will cease construction immediately within 50 meters of the find and a qualified archaeologist shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less than significant level before construction resumes; *(CPC added: Applicant shall provide an on-site archaeologist during excavation of the site. The qualifications of the archaeologist shall be subject to Planning Director's review and approval.)*
- j. Signage for the building shall be reviewed and approved by the City Planning Director prior to issuance of sign permits;
- k. The Design Review/Preservation Board shall review and approve the proposed structure prior to issuance of building permits;
- l. The subject site is developed with four residential structures worthy of relocation and rehabilitation. The applicant shall make the structures available to interested parties for relocation or relocate the buildings themselves. In the event the applicant is not successful in providing relocation of the existing structures, the City will require a 180 day demolition suspension and implement the following mitigation measures:
 - 1) the applicant shall secure each building to prevent entry by vagrants or transients;
 - 2) keep the site free of trash, litter and weeds;
 - 3) during the 180 day period, the City will attempt to locate interested persons to relocate the buildings. Relocation plans will be developed to meet the requirements of the City Building Division and Design Review/Preservation Board prior to issuance of a moving permit;

1. The applicant shall submit a lot line adjustment application merging the nine existing parcels prior to issuance of building permit.

Findings of Fact

- a. The proposed project is based on sound principles of land use in that:
 - 1) the proposed parking facility will provide adequate on-site parking;
 - 2) the transportation management plan will encourage employee usage of alternative modes of transportation.
- b. The project is not injurious to the general public nor surrounding properties in that the project is designed with stepped back design and incorporates landscaped setbacks which mitigate the visual impact of the project on surrounding properties;
- c. The proposal is consistent with the 1974 General Plan and 1980 Central City Plan which designate the site for commercial-office uses.

DEPARTMENT OF PARKS AND RECREATION

P.O. BOX 2390
SACRAMENTO 95811

(916) 445-7067

CITY PLANNING DEPARTMENT

JAN 18 1984

RECEIVED

January 18, 1984

Ms. Lorraine Magana
Office of the City Clerk
City of Sacramento
City Hall, Room 203
915 I Street
Sacramento, CA 95814

Dear Ms. Magana:

SUBJECT: Appeal of Planning Commission's Approval of
Ratification of Negative Declaration and
Special Permit (P-83211) (APN:007-113-12-20)

The California Department of Parks and Recreation filed an appeal with your office on December 22, 1983 regarding the subject project.

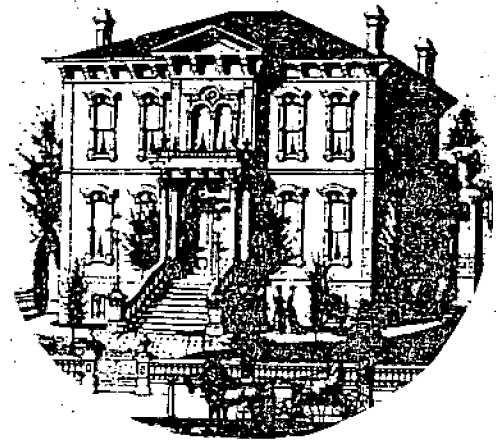
We request that our appeal be withdrawn and taken off the January 24, 1984 agenda.

Thank you for your consideration in this matter.

Sincerely,

Maurice H. Getty, Chief
Resource Protection Division

SACRAMENTO OLD CITY ASSOCIATION Position Paper



November 21, 1983

Gene Masuda
Planning Department
927 - 10th Street, Suite 300
Sacramento, California 95814

RE: Fort Sutter Medical/Retail Center
28th and K Streets

Dear Mr. Masuda,

SOCA has little opposition to this project, in light of the fact that the lots are zoned commercial and the four Victorian houses are not on any preservation list. The Developer, Dain Domich Development, seems to be doing what they can to save the buildings by making them available to be move to other locations. I know that the Capitol Area Development Agency (CADA) is looking at one or two of the buildings and I, myself, have received several calls of interest in the buildings.

On the design of the building, again the developer seems to be making every effort that the building complement the surrounding area. Our previous concern that the building have a completed look on all sides because of its exposure from J Street and from the freeway to the east, seems to be a complete design, however there was no North elevation in the plans and this would be the parking garage side.

Retail space on the ground floor is essential in that area because, in part to the services that were lost with the removal of the shopping center, but also because of the employees currently in that area and that will be there, in addition to the visitors to Fort Sutter. The parking in the building is of concern. Who will have access to this parking and what are the hours of availability? What stipulations can the City add (or not add) to the parking?

Please keep us posted when this project will be reviewed before the Design Review/Preservation Board and the Planning Commission. Thank you for the plans and keeping us informed.

Sincerely,



Kathleen Green,
President

CITY PLANNING DEPARTMENT

NOV 23 1983

RECEIVED

ITEM #14

15

SACRAMENTO CITY PLANNING DEPARTMENT

Application Information

Application taken by/date: 6/24/83

Project Location NE cor. 28th & 'K' Streets

PP 83211

Assessor Parcel No. 007-113-12 thru 20

Owners Fort Sutter Development Group, Inc. Phone No. _____

Address 2012 'H' Street, Suite 101, Sacramento, CA

Applicant Fort Sutter Development Group Phone No. _____

Address 2012 'H' Street, Suite 101, Sacramento, CA

Signature _____ C.P.C. Mtg. Date 12/1/83

REQUESTED ENTITLEMENTS

ACTION ON ENTITLEMENTS

Filing Fees

REQUESTED ENTITLEMENTS	Commission date	Council date	Filing Fees
<input checked="" type="checkbox"/> Environ. Determination <u>Neg Dec</u>	_____	_____	\$ _____
<input type="checkbox"/> General Plan Amend _____	_____	_____	\$ _____
_____	_____	Res. _____	_____
<input type="checkbox"/> Community Plan Amend _____	_____	_____	\$ _____
() _____	_____	Res. _____	_____
<input type="checkbox"/> Rezone _____	_____	_____	\$ _____
_____	_____	Ord. _____	_____
<input type="checkbox"/> Tentative Map _____	_____	_____	\$ _____
_____	_____	Res. _____	_____
<input checked="" type="checkbox"/> Special Permit to construct 5-story medical office/retail bldg. on 1± ac. in C-2 zone	AA	_____	\$ _____
<input checked="" type="checkbox"/> Variance Special Permit to exceed 45 ft. height limit to 62 ft.	AFF (appealed)	_____	\$ _____
<input type="checkbox"/> Plan Review _____	_____	_____	\$ _____
<input type="checkbox"/> PUD _____	_____	_____	\$ _____
<input type="checkbox"/> Other _____	_____	_____	\$ _____

FEE TOTAL \$ _____

Sent to Applicant: _____ Date _____

By: _____ Sec. to Planning Commission

RECEIPT NO. 771
By/date HY 6/24/83

Key to Entitlement Actions

- R - Ratified
- Cd - Continued
- A - Approved
- AC - Approved W/conditions
- AA - Approved W/amended conditions
- D - Denied
- RD - Recommend Denial
- RA - Recommend Approval
- RAC - Recommend Approval W/conditions
- RMC - Recommend Approval W/amended conditions
- IAF - Intent to Approve based on Findings of Fact
- AFF - Approved based on Findings of Fact
- RPC - Return to Planning Commission
- CSR - Condition Indicated on attached Staff Report

NOTE: There is a thirty (30) consecutive day appeal period from date of approval. Action authorized by this document shall not be conducted in such a manner as to constitute a public nuisance. Violation of any of the foregoing conditions will constitute grounds for revocation of this permit. Building permits are required in the event any building construction is planned. The County Assessor is notified of actions taken on rezonings, special permits and variances.

Gold - applicant receipt White - applicant permit Green - expiration book Yellow - department file Pink - permit book

PP 83211

SACRAMENTO CITY PLANNING COMMISSION

15

MEETING DATE December 1, 1983
 ITEM NO. 14A FILE NO. P-83-211
 M-

- GENERAL PLAN AMENDMENT
- COMMUNITY PLAN AMENDMENT
- REZONING
- SPECIAL PERMIT
- VARIANCE
- TENTATIVE MAP
- SUBDIVISION MODIFICATION
- ENVIRONMENTAL DET.
- OTHER

Recommendation LOCATION: NE corner of 28th & K Streets

- Favorable Uncond.
- Unfavorable Petition Correspondence

NAME	PROFONENTS	ADDRESS
<u>Ed Hoots</u>		

NAME	OPPONENTS	ADDRESS
<u>Dick Troy (Dir. Capitol Area Parks + Museums - State)</u>		
<u>Connie Finster (Sacramento Old City Assoc.)</u>		

MOTION NO. _____

- MOTION:
- TO APPROVE
 - TO DENY
 - TO APPROVE SUBJECT TO amended COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT
 - TO DENY BASED ON FINDINGS OF FACT IN STAFF REPORT
 - INTENT TO APPROVE/DENY SUBJECT TO COND. & BASED ON FINDINGS OF FACT DUE
 - TO RECOMMEND APPROVAL & FORWARD TO CITY COUNCIL
 - TO RECOMMEND APPROVAL SUBJECT TO COND. & FORWARD TO CITY COUNCIL
 - TO RATIFY NEGATIVE DECLARATION
 - TO CONTINUE TO _____ MEETING
 - OTHER _____

	YES	NO	MOTION	2ND
Augusta	✓			
Fong	<u>abstain</u>			
Holloway	✓			
Hunter	✓		✓	
Ishmael	✓			
Larson	✓			
Silva	✓			
Simpson	✓			✓
Goodin	✓			

SACRAMENTO CITY PLANNING COMMISSION

15

MEETING DATE December 1, 1983
 ITEM NO. 146 FILE NO. P- 83-211
 M- _____

- GENERAL PLAN AMENDMENT TENTATIVE MAP
- COMMUNITY PLAN AMENDMENT SUBDIVISION MODIFICATION
- REZONING ENVIRONMENTAL DET.
- SPECIAL PERMIT OTHER _____
- VARIANCE _____

Recommendation LOCATION: NE corner of 28th + K Streets

- Favorable W/FP
- Unfavorable Petition Correspondence

<u>NAME</u>	<u>PROPOSERS</u>	<u>ADDRESS</u>

MOTION NO. _____

MOTION:

	YES	NO	MOTION	2ND
Augusta	✓			
Fong	<u>abstain</u>			
Holloway	✓			
Hunter	✓		✓	
Ishmael	✓			
Larson	✓			
Silva	✓			
Simpson	✓			✓
Goodin	✓			

- TO APPROVE
- TO DENY
- TO APPROVE ~~SUBJECT TO COND.~~ & BASED ON FINDINGS OF FACT IN STAFF REPORT
- TO DENY BASED ON FINDINGS OF FACT IN STAFF REPORT
- INTENT TO APPROVE/DENY SUBJECT TO COND. & BASED ON FINDINGS OF FACT DUE
- TO RECOMMEND APPROVAL & FORWARD TO CITY COUNCIL
- TO RECOMMEND APPROVAL SUBJECT TO COND. & FORWARD TO CITY COUNCIL
- TO RATIFY NEGATIVE DECLARATION
- TO CONTINUE TO _____ MEETING
- OTHER _____

15

NOTICE OF APPEAL OF THE DECISION OF THE
SACRAMENTO CITY PLANNING COMMISSION

DATE: December 8, 1983

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City
Planning Commission of December 1, 1983 when: P83-211

(Date) _____
_____ Rezoning Application _____ Variance Application

Special Permit Application to exceed the allowed height of 45 ft
to 62 feet.
was: Granted _____ Denied by the Commission

GROUNDS FOR APPEAL: (Explain in detail)

See backside of this page and following pages attached.

PROPERTY LOCATION: NE corner of "K" and 28th Streets

PROPERTY DESCRIPTION: See Assessor's Parcel Number below. (Site
contains (4) 2-story homes and (1) single story office building.)

ASSESSOR'S PARCEL NO. 007 - 113 - 11 to 20 inclusive

PROPERTY OWNER: Fort Sutter Development Group

ADDRESS: 2012 H Street, Sacramento, CA 95814

APPLICANT: Separovich/Domich

ADDRESS: 2012 H Street, Sacramento, CA 95814

APPELLANT: (Maurice H. Selty) (STATE DEPT. OF PARKS & RECREATION
P. O. BOX 2390
SACRAMENTO, CA. 95811)
(SIGNATURE) PRINT NAME

ADDRESS: P.O. Box 2390, 1416 -Ninth Street, Sacramento, CA 95811

FILING FEE: _____

by Applicant: \$105.00 RECEIPT NO. 1065

by 3rd party: 60.00

FORWARDED TO CITY CLERK ON DATE OF: _____

P-83-211

5/82

(4 COPIES REQUIRED): MVD

HY

WW

CP

MMM - (Original)

15

CALIFORNIA DEPARTMENT OF PARKS AND RECREATION (DPR)
NOTICE OF APPEAL OF THE DECISION OF THE
SACRAMENTO CITY PLANNING COMMISSION

SUBJECT: P83-211 -FORT SUTTER MEDICAL/RETAIL OFFICE COMPLEX

BACKGROUND:

1. Negative Declaration was filed by the City Planning Department - stating that there would be no significant effects of the project.
2. DPR responded to Negative Declaration within review period and commented on the adverse and significant effects of the proposed project (see December 1, 1983 letter, attached).
3. DPR comments were ignored by the City Planning Department and no effort was made to mitigate the significant effects outlined in the Department's response to the Negative Declaration prepared.
4. DPR staff presented testimony to the City Planning Commission on December 1, 1983, indicating once again that significant impacts still existed and that mitigation of the cumulative impacts had not yet occurred.
5. DPR submitted second letter, once again relating specific significant impacts of the proposed project on Sutter's Fort State Historic Park, discussing City Planning Department's staff report and recommendation on the project, which failed to acknowledge or mitigate DPR concerns of the impacts of the project to Sutter's Fort State Historic Park (see letter of December 7, 1983, attached).

THE FACTS:

1. Sutter's Fort State Historic Park is adjacent to the proposed project located diagonally across the street.
2. DPR was not consulted with, prior to received Public Notice on November 25, 1983 (see attached).
3. Sutter's Fort State Historic Park is listed on the National Register as of January 20, 1961 (see attachment 5).

15

NOTICE OF APPEAL OF THE DECISION OF THE
SACRAMENTO CITY PLANNING COMMISSION
(continued)

THE FACTS: (continued)

Sutter's Fort S.H.P. is a National Historical Landmark as of October 1966.

Sutter's Fort S.H.P. is listed as California Historical Landmark #525. (See attachment 6).

4. Pursuant to California Environmental Quality Act Guidelines:

-15386 (c) : The Department of Parks and Recreation is a Trustee Agency with regard to units of the State Park System.

-15073 (b) : A copy of the notice with the proposed Negative Declaration shall be sent to every responsible agency and trustee agency concerned with the project and every other public agency with jurisdiction by law over resources affected by the project.

No Negative Declaration was sent with the notice.

-15074 (b) : ...The decision making body shall approve the Negative Declaration if it finds on the basis of the initial study and any comments received that there is no substantial evidence that the project will have a significant effect on the environment.

In each letter to the City Planning Department the 17' height variance required for the project was discussed as a crucial and significant impact to Sutter's Fort State Historic Park. The cumulative effects were also discussed as contributing to a walled in canyon effect, which would adversely affect Sutter's Fort State Historic Park historic integrity.

-15064 (h) (2): if there is a disagreement between experts over the significance of an effect on the environment, the lead agency shall treat the effect as significant and shall prepare an environmental impact report.

15

NOTICE OF APPEAL OF THE DECISION OF THE
SACRAMENTO CITY PLANNING COMMISSION
(continued)

-15064 (h) (2): (continued)

-15064 (h) (2):

The lead agency was given the opportunity to address and mitigate our concerns and has not done so.

-15065 (c) : The project has possible environmental effects which are individually limited, but cumulatively considerable. As used in this subsection, "cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

The proposed project is discussed in relationship only to the Sutter General Hospital expansion.

Since this project is being justified on the basis that the Sutter General Hospital expansion building is already in the neighborhood, therefore it is permissible to allow other structures, which require height variances into the neighborhood - the project being appealed has a cumulative significant impact, in that current and future developments will also be allowed to exceed the C-2 height limit, based on current performance as demonstrated in the City Planning Department's analysis of this proposed project.

We therefore, submit this application of appeal of the City Planning Commission's decision to allow the special permit to exceed the current C-2 zoned 45 foot height restriction for this site.

Maurice H. Kelly

STATE DEPT. OF PARKS & RECREATION
P. O. BOX 2390
SACRAMENTO, CA, 95811

DEPARTMENT OF PARKS AND RECREATION

P.O. BOX 2390
SACRAMENTO 95811

(916) 445-7067



December 1, 1983

Mr. Marty Van Duyn, Planning Director
City Planning Department
927 Tenth Street, Suite 300
Sacramento, California 95814

Dear Mr. Van Duyn:

The California Department of Parks and Recreation has reviewed the Negative Declaration for the Fort Sutter Medical/Retail Center P83-211 and has the following comments:

Initial Study ChecklistAirItem 2.c. ---- SHOULD BE "YES" INSTEAD OF "NO"

The proposed 62' structure will have an effect on air movement in the local area. The height will block and redirect air circulation in a tunnel effect on K Street. The use of solar/reflective glass will also produce changes in the temperatures of the immediate area. A study which discusses the sun angle for different hours in a day, and different days within the four seasons, should be included in this mitigated Negative Declaration. Consideration should also be given to reflective glare and heat that would affect pedestrian traffic in the vicinity.

Light and GlareItem 7. ---- SHOULD BE "YES INSTEAD OF "MAYBE"

As mentioned in the Contractors "Environmental Questionnaire" (section VI.D., page 11) the exterior building materials include "Solar bronze glass and

15
Mr. Marty Van Duyn, Planning Director
City Planning Department
December 1, 1983
Page 2

Light and Glare (con't)

reflective glass". Also, the description of the proposed 62' structure on page 6 of the Negative Declaration indicates that "Earth tone colors and solar bronze glass will veil the exterior". The light and glare produced by this 62' structure were not included in the discussion portion of this topic. The reflective glass which will "veil the exterior" should be discussed, along with the previously mentioned light, heat, and air movement (item 2.c.). The mitigation measures included in this Negative Declaration deal only with street and exterior building lighting and need to include information about the reflective properties of the materials to be used on the exterior of the proposed structure.

Land Use

Item 8. ---- SHOULD BE "YES" INSTEAD OF "MAYBE"

The proposal to construct a 62' commercial building will substantially alter the present use of the site, which is 50% residential.

Housing

Item 12. ---- SHOULD BE "YES" INSTEAD OF "MAYBE"

The proposal will certainly affect the residential homes and residents on the site, and the projected increase of new jobs generated by the development will also create a demand for housing.

Transportation/Circulation

Item 13.b. ---- SHOULD BE "YES" INSTEAD OF "MAYBE"

The medical/retail center will place additional demands on existing parking facilities, especially if a fee is charged for using the proposed garage. The streets in the vicinity of the project are at capacity for parking now.

15
Mr. Marty Van Duyn, Planning Director
City Planning Department
December 1, 1983
Page 3

Item 13.d. ---- SHOULD BE "YES" INSTEAD OF "MAYBE"

The proposal includes ingress and egress from both K Street, and 28th Street (via an 20' wide alley). "Because the proposed retail/office center represents a more intense use of the site," (pg. 6), it would generate more traffic than presently exists in this midtown neighborhood.

Public Services

Item 14.d. ---- SHOULD BE "YES" INSTEAD OF "NO"

The Negative Declaration acknowledges that "increased usage of the Sutter's Fort Park site may occur," and that "A certain percentage of the new increase in on-site population (81 +/- persons) will utilize the park." This use will have an effect upon the services we provide. The statement "The State has not indicated that adverse impacts to the park will occur, therefore, it is expected that the impacts will be less than significant," needs to be further documented. With what representatives of the State was this project discussed, and when and by what medium was this insignificance designation conveyed?

Aesthetics

Item 18. ---- SHOULD BE "YES" INSTEAD OF "MAYBE"

The proposal will result in the creation of an aesthetically offensive site open to public view from Sutter's Fort State Historic Park, which is across the street from the proposed development. The public who visit Sutter's Fort Historic Park will be unable to avoid seeing the proposed 62' structure from within the walls of the Fort. (See the attached diagram). The construction of a building with such mass and which exceeds the present height limit by 17', is a crucial factor in determining the level of significance of the impact to Sutter's Fort State Historic Park. A structure

15

Mr. Marty Van Duyn, Planning Director
City Planning Department
December 1, 1983
Page 4

Aesthetics (con't)

on that site which did not exceed the present 45' height limit would not be visible from within the Fort walls, and thereby would allow the public to continue their enjoyment of the historic quality of Sutter's Fort.

Also, the fact that the "project design may require an encroachment permit to allow construction within established public right-of-ways" (pg. 6), would obstruct the public's view along the K Street side of the proposed structure. The building is designed so that the 3rd and 4th floors will extend over the landscaped pedestrian walkway on K Street (see PD-11 attached). Several site specific design plans should be included in the Negative Declaration, including at least one design plan which does not require special permits to exceed both the property line boundary and the height limit.

Recreation

Item 19. ---- SHOULD BE "YES" INSTEAD OF "NO"

The proposal will affect the quality of the recreational opportunities at Sutter's Fort State Historic Park. The height and mass of the proposed structure are inconsistent with the interpretive and historic themes portrayed at Sutter's Fort State Historic Park. The canyon/walled in effect created by this massive structure are incompatible with its surroundings. Visitors to Sutter's Fort State Historic Park will see the proposed 62' structure from within the Fort. (See attached diagram.) The historic integrity and Living History Program at Sutter's Fort State Historic Park, and the quality of the recreational experience, will be adversely affected by this proposed development.

Archaeological/Historical

Item 20. ---- "MAYBE"

An archeologist should be on-site during the excavation phase of the construction. The archeologist should determine the significance of any items unearthed, and should have the authority to halt the project,

15

Mr. Marty Van Duyn, Planning Director
City Planning Department
December 1, 1983
Page 5

Archaeological/Historical (con't)

in order to record and retrieve significant materials before any further construction takes place. A contingency plan for the site should be developed in order to allow for the aforementioned actions. There should also be a site history study done to determine the accuracy of the statement "the proposed projects' potential impacts on historical resources is not expected to be significant." (pg. 6); if current studies validate this statement, a reference list of these studies should be included in the mitigated Negative Declaration.

Mandatory Finding of Significance

Item 21.c. ---- SHOULD BE "MAYBE" INSTEAD OF "NO"

The proposed 62' medical/retail center structure has several impacts which are individually limited, but cumulatively considerable. These items: Air, Light and Glare, Land Use, Housing, Transportation/Circulation, Public Services, Aesthetics, Recreation, and Archaeological/Historical, have all been discussed in this response to the Negative Declaration. Cumulatively these impacts result in a project that, as presently designed, has a significant effect on Sutter's Fort State Historic Park. The tall, massive, walled in canyon of glass and brick is incompatible with Sutter's Fort State Historic Park. The overwhelming proportion of the structure will ruin the historic aspect of Sutter's Fort State Historic Park. The project should be designed to be compatible with the site and its surroundings. The project as proposed, does not sufficiently mitigate these cumulative impacts and therefore, the Negative Declaration needs further analysis of other site specific designs which could reduce the cumulative level of significance to an acceptable one.

In conclusion, there are a number of items which were not sufficiently addressed or mitigated in this proposed Negative Declaration for the Fort Sutter Medical/Retail Center P83-211 project. These matters need further study before the project is allowed to proceed. Additional site plans should be done, which would explore alternatives to the one plan proposed, and should include the design of a structure which would not require either the special permit for the 17' height variance or an encroachment

15

Mr. Marty Van Duyn, Planning Director
City Planning Department
December 1, 1983
Page 6

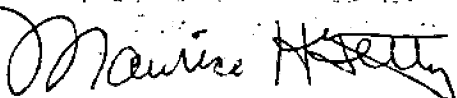
permit to build out beyond the property line. The design submitted for this proposed project, which has the 3rd and 4th floors of the K Street side of the building exceeding the property line and extending over the landscaped walkways, does not merit consideration of a special permit to also exceed the height requirements. Surely there are other designs which could be accommodated on this site which would stay within the property lines and the 45' height requirement, and still provide the needed "quality medical space" and retail space in this area.

Therefore, the "trade off" (mentioned on page 2 of City Planning's report to the Planning Commission) of "providing additional landscaping and ground floor retail", in order "to increase the height of the building from C-2 limit of 45 feet to a height of 62 feet" is certainly not an equitable or justified trade.

In any case, further information should be included in this Negative Declaration to ensure that all the significant impacts of the proposed project are dealt with and mitigated prior to construction.

We appreciate the opportunity to review and comment on this Negative Declaration for the Fort Sutter Medical/Retail Center P83-211. We request that a copy of any subsequent information regarding this project be sent to James M. Doyle, Supervisor, Environmental Review Section, California Department of Parks and Recreation, P.O. Box 2390, Sacramento, CA 95811.

Sincerely,

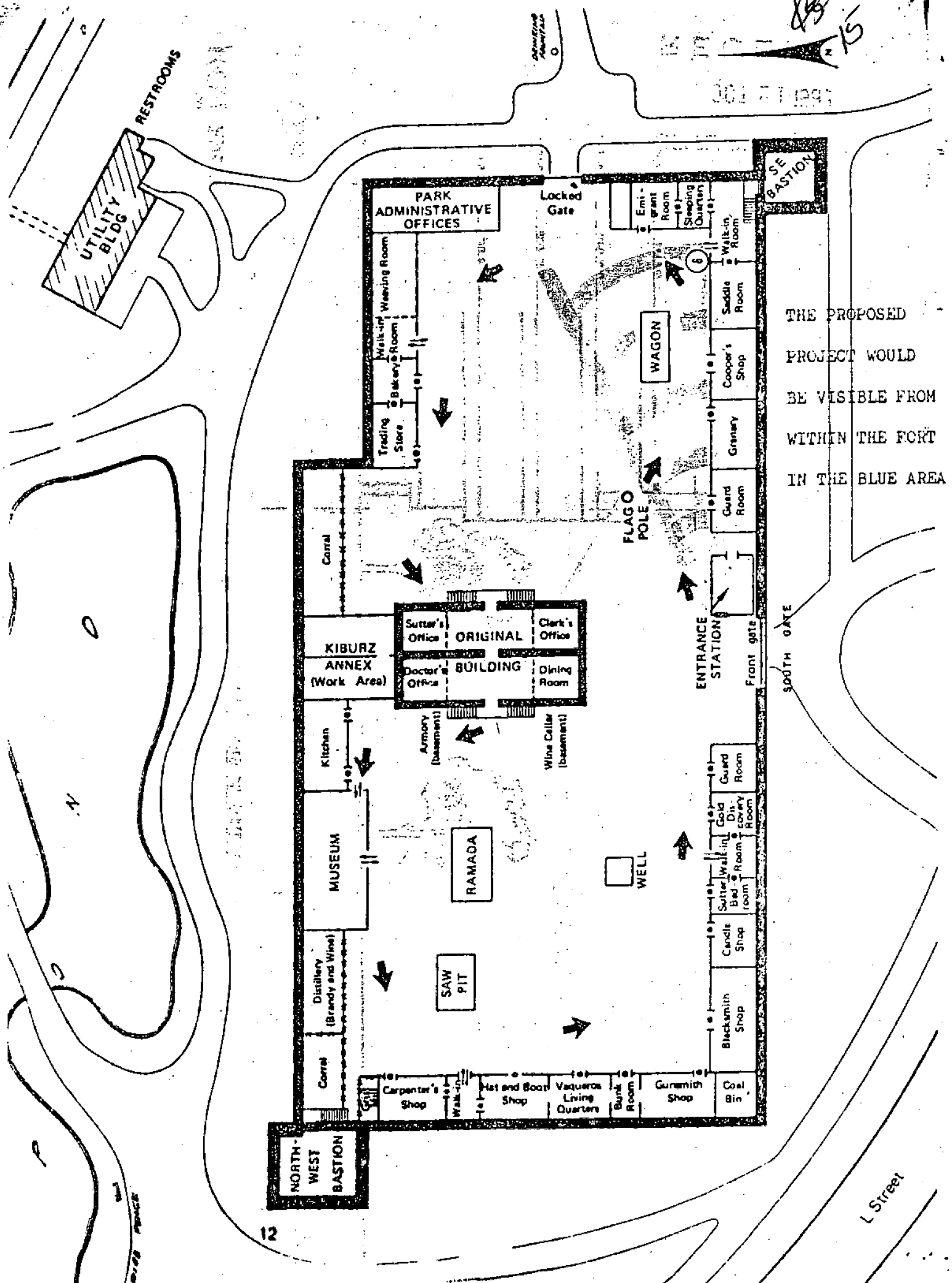


Maurice H. Getty, Chief
Resource Protection Division

Attachments (2)

15

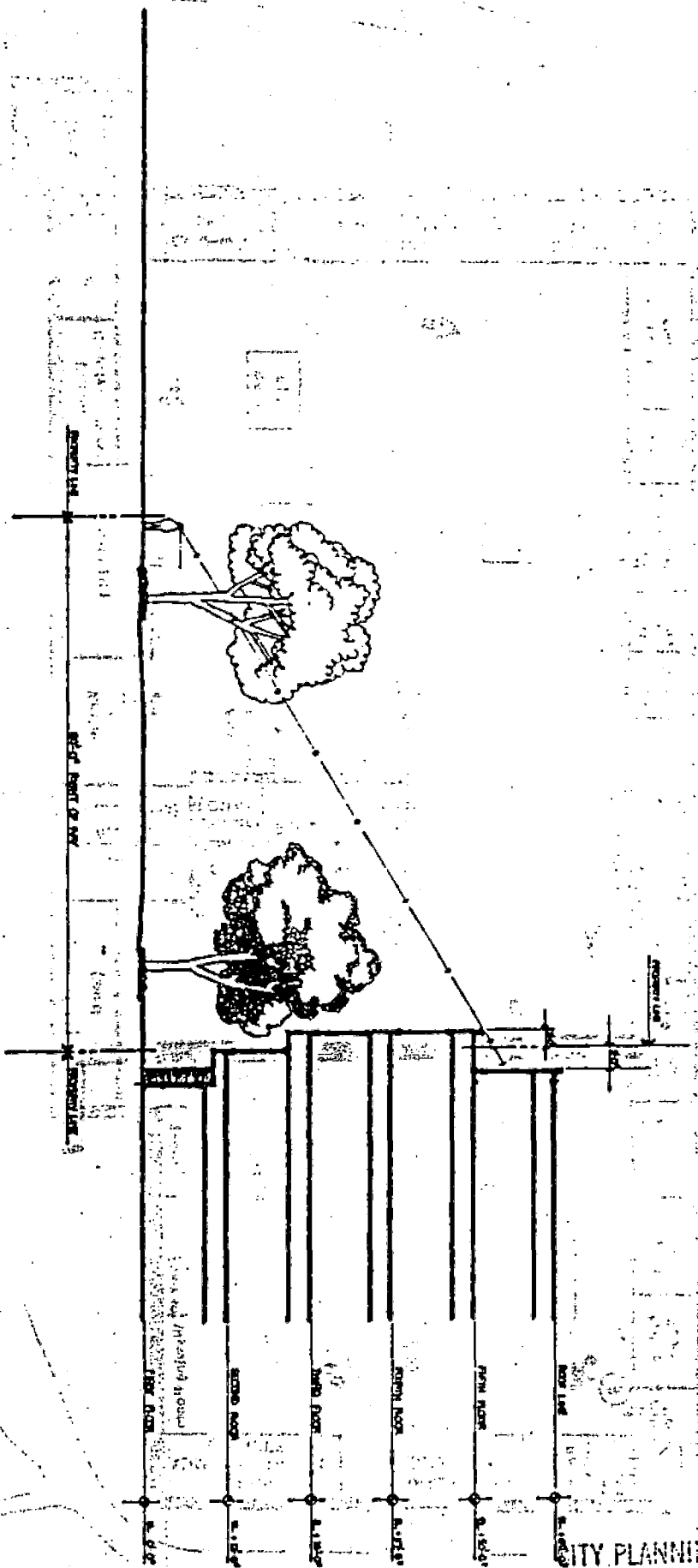
1991



THE PROPOSED
PROJECT WOULD
BE VISIBLE FROM
WITHIN THE FORT
IN THE BLUE AREA

L Street

SECTION THRU 'K' STREET LOOKING WEST



15
THE P.D. II

CITY PLANNING DEPARTMENT

OCT 24 1983

RECEIVED

DEPARTMENT OF PARKS AND RECREATION

P.O. BOX 2390
SACRAMENTO 95811

(916) 445-7067

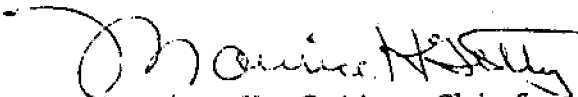
December 2, 1983

Mr. Marty Van Duyn, Planning Director
Sacramento City Planning Department
927 Tenth Street, Suite 300
Sacramento, CA 95814

Dear Mr. Van Duyn:

Pursuant to Section 15075 of the California Environmental Quality Act, the California Department of Parks and Recreation requests to be notified when the Notice of Determination is filed for the Fort Sutter Medical/Retail Center P83-211 project. In addition we request that a copy of the Notice of Determination be sent to James M. Doyle, Supervisor, Environmental Review Section, California Department of Parks and Recreation, P.O. Box 2390, Sacramento, CA 95811.

Sincerely,


Maurice H. Getty, Chief
Resource Protection Division

DEPARTMENT OF PARKS AND RECREATION

P.O. BOX 2390
SACRAMENTO 95811

(916) 445-7067



December 7, 1983

Mr. Marty Van Duyn, Planning Director
City Planning Department
927 Tenth Street, Suite 300
Sacramento, CA 95814

Dear Mr. Van Duyn:

The California Department of Parks and Recreation has read your staff report and recommendations to the City Design Review and Preservation Board (12-7-83 meeting), regarding the proposed Fort Sutter Medical/Retail Center project P83-211. As a trustee agency (see State C.E.Q.A. Guidelines, Section 15000 and Section 15386 (c)), with responsibility for projects that affect units of the State Park System, we commented on the significant environmental impacts this proposal would have on Sutter's Fort State Historic Park (see letter of December 1, 1983, attached). Now in your follow-up "Staff Evaluation" of this same project is the statement; "Approval of the project is based on the following findings of fact: 1) The project as presented and conditioned will not cause a negative impact on the historic Sutter's Fort area." This "finding of fact" is incorrect. As was discussed in our response to the Negative Declaration prepared, there were several negative impacts of this "project as presented and conditioned" which included all of the following items:

- "The proposal will result in the creation of an aesthetically offensive site open to public view from Sutter's Fort State Historic Park, which is across the street from the proposed development. The public who visit Sutter's Fort State Historic Park will be unable to avoid seeing the proposed 62' structure from within the walls of the Fort. (See the attached diagram). The construction of a building with such mass and which exceeds the present height limit by 17 feet, is a crucial factor in determining the level of

15
Mr. Marty Van Duyn, Planning Director
City Planning Department
December 7, 1983.
Page 2

significance of the impact to Sutter's Fort State Historic Park. A structure on that site which did not exceed the present 45 feet height limit would not be visible from within the Fort walls, and thereby would allow the public to continue their enjoyment of the historic quality of Sutter's Fort."

--- "The height and mass of the proposed structure are inconsistent with the interpretive and historic themes portrayed at Sutter's Fort State Historic Park. The canyon/walled in effect created by this massive structure are incompatible with its surroundings. Visitors to Sutter's Fort State Historic Park will see the proposed 62' structure from within the Fort. (See attached diagram). The historic integrity and Living History Program at Sutter's Fort State Historic Park, and the quality of the recreational experience will be adversely affected by this proposed development."

--- "The proposed 62' medical/retail center structure has several impacts which are individually limited, but cumulatively considerable...Cumulatively these impacts result in a project that, as presently designed has a significant effect on Sutter's Fort State Historic Park."

--- "The tall, massive, walled in canyon of glass and brick is incompatible with Sutter's Fort State Historic Park. The overwhelming proportion of the structure will ruin the historic aspect of Sutter's Fort State Historic Park."

--- "...further information should be included in this Negative Declaration to ensure that all the significant impacts of the proposed project are dealt with and mitigated prior to construction."

--- "The project should be designed to be compatible with the site and its surroundings. The project as proposed,

15

Mr. Marty Van Duyn, Planning Director
City Planning Department
December 7, 1983
Page 3

does not sufficiently mitigate these cumulative impacts and therefore, the Negative Declaration needs further analysis of other site specific designs which could reduce the cumulative level of significance to an acceptable one."

All of these items should have been mentioned in the staff evaluation section entitled "Project Impact on Sutter's Fort." Instead, the proposed project is compared with the Sutter General Hospital Building. The issue here is not the Sutter General Hospital expansion facility. That item was addressed in an Environmental Impact Report, and the developers of that project worked on mitigating several impacts of their original design. The issue now, is to mitigate the impacts of this 5 story/62' structure, which as presently designed, is incompatible with its surroundings.

Also, in the section "Compatibility of Buildings to Adjacent Buildings and Neighborhoods", several other adjacent structures are discussed. The one-story building just west of the project site should be included here. The height of the existing structures just west, southwest, north, and east of the project site are all 1 story, and yet, again the proposed project height is compared only in relationship to the Sutter General Hospital expansion. All the structures which currently exist on the block where the proposed project would be located are no taller than 2 stories.

Lastly, in the "Building Design" paragraph of your staff evaluation there is no discussion of the design elements which require three different special permits (height, width, and allowable square footage), in order to be constructed. Clearly, the design proposed does not suit the site, or there would be no need for these special permits. Surely a facility for this site could be designed that would keep within the zoning requirements and property line, and would still provide a medical/retail office complex on the site.

We request that the project be modified to protect Sutter's

15

Mr. Marty Van Duyn, Planning Director
City Planning Department
Page 4

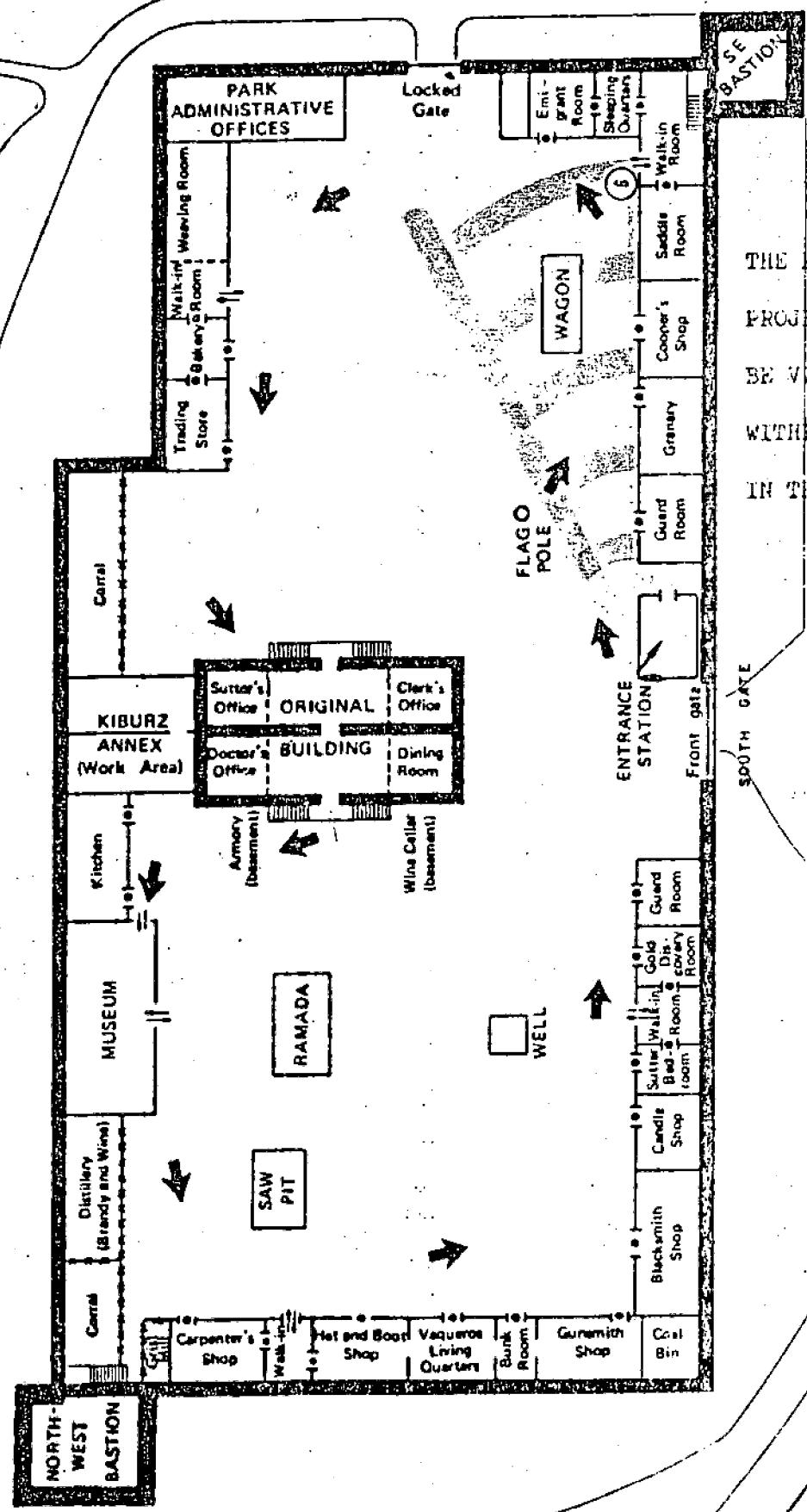
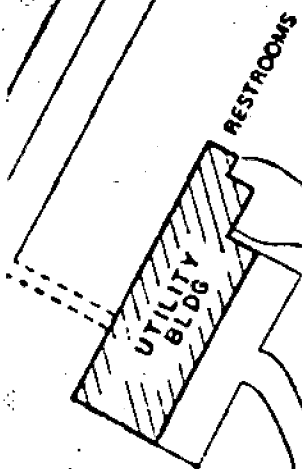
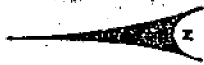
Fort State Historic Park and provide the same level of project benefits.

Sincerely,

Maurice H. Getty
Maurice H. Getty, Chief
Resource Protection Division

Attachments (2)

15



THE PROPOSED PROJECT WOULD BE VISIBLE FROM WITHIN THE FORT IN THE BLUE AREA

12

L-Street



CITY OF SACRAMENTO

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

MARTY VAN DUYN
PLANNING DIRECTOR

PUBLIC NOTICE

Date: November 18, 1983

Dear Property Owner:

The Planning Department is notifying all owners of property within 100/300 feet of the proposed project (described below) that the City Planning Commission will consider this proposal at a public hearing scheduled to begin at 5:30 P.M. in the Council Chamber, located on the second floor of City Hall, 915 I Street, Sacramento, California, on December 1, 1983.

The proposed project is:

P83-211 Special Permit to construct a 5-story medical office/retail bldg. consisting of 83,500± sq. ft. of gross floor area and 119,000± gross sq. ft. (5 & 1/2 levels) of parking on 1± developed ac. in the General Commercial (C-2) zone. Special Permit to exceed the allowed height of 45 ft., to 62 ft. Loc: NE cor. of 'K' & 28th Sts. APN: 007-113-12 thru 20 inclusive.

The City Environmental Coordinator has determined that the proposed project will not have a significant adverse impact on the environment and has prepared a Negative Declaration. A copy of the Negative Declaration may be reviewed or obtained at the Planning Department, 927 10th Street, Suite 300, Sacramento, CA. Any appeal of the decision to prepare the Negative Declaration must be filed with the Sacramento City Planning Department before 5:00 P.M. on December 1, 1983.

If you need further information, please contact the planner on duty at the City Planning Department, 449-5604, and please refer to the above 'P' or 'M' number.

Sincerely,

Suzanne Glimstad

Suzanne Glimstad, Secretary to
the City Planning Commission

RECEIVED

NOV 25 1983

RFL

3-7321

15

City Planning Department
927-10th Street, Suite 300
Sacramento, CA 95814

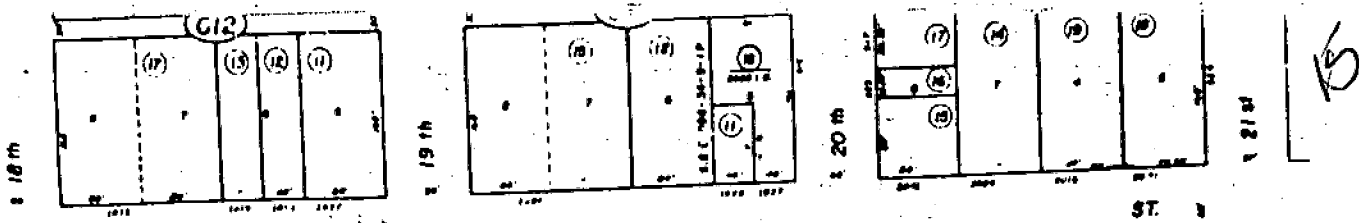


RECEIVED
NOV 18 1983
Office of Real
Estate Services

39 APN: 07-117-01
State of California
650 HOWE AVE
SACRAMENTO, CA. 95825

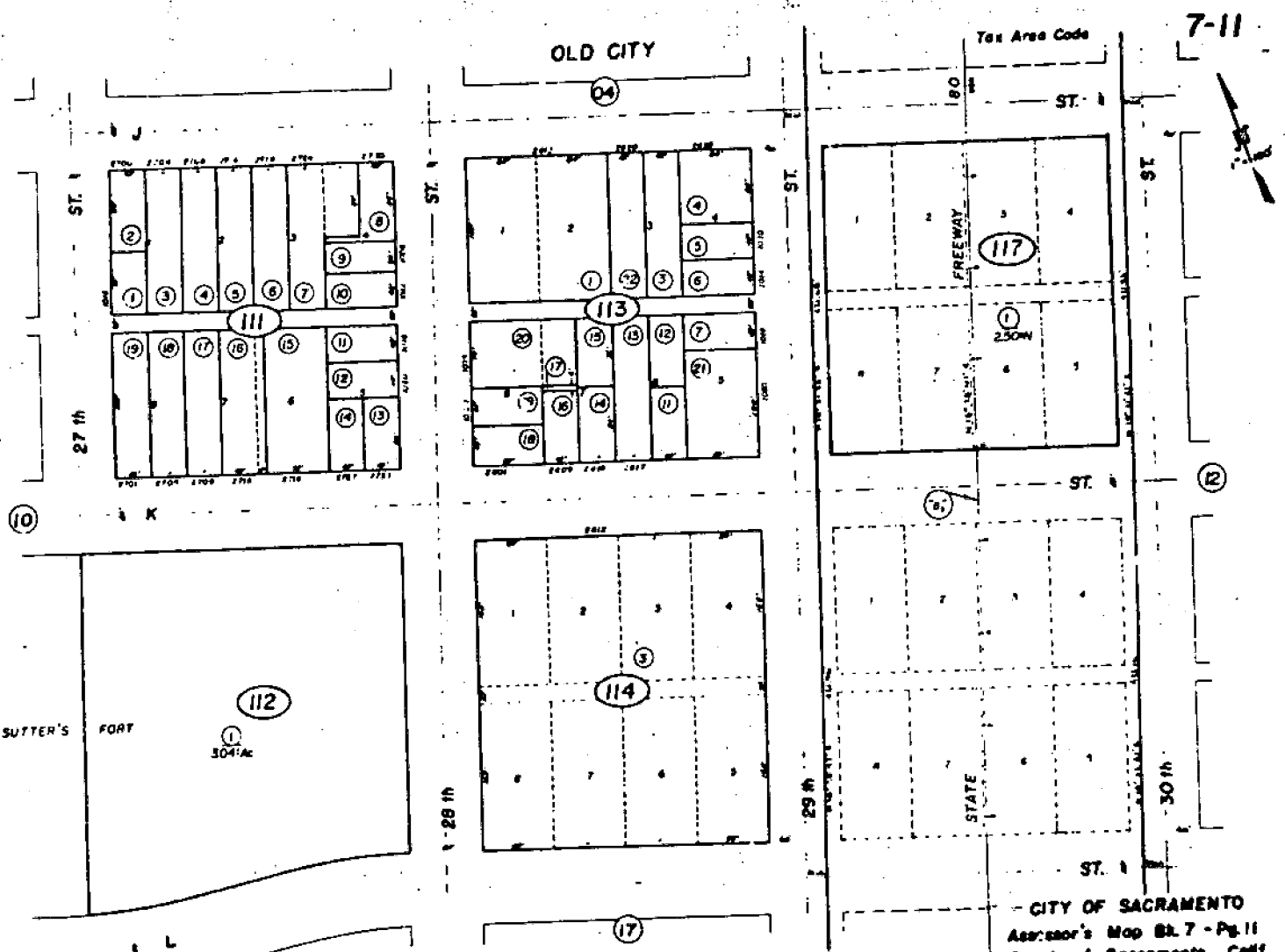
PUBLIC NOTICE

[Faint, mostly illegible text under the PUBLIC NOTICE heading]



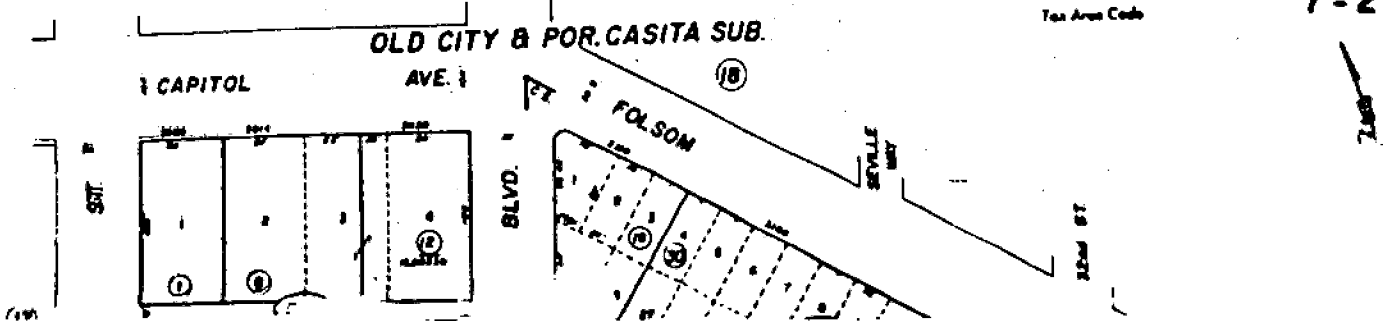
CITY OF SACRAMENTO
Assessor's Map Bl. 7 - Pg. 01
County of Sacramento, Calif

NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles



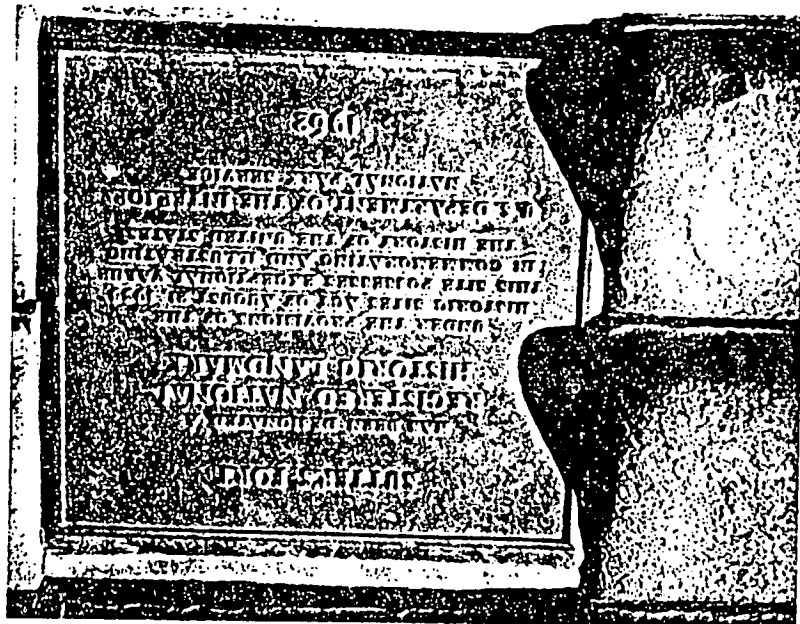
CITY OF SACRAMENTO
Assessor's Map Bl. 7 - Pg. 11
County of Sacramento, Calif

NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles



Tax Area Code

7-2



Sacramento County

15

366^A

PIONEER TELEGRAPH STATION Erroneously called the Pony Express Terminal, this was the location of the office occupied by the State Telegraph Company, 1863-1868, and the Western Union Telegraph Company, 1868-1915.

1015 2nd St, Sacramento (Sacramento)

439^A

SITE OF GRIST MILL BUILT BY JARED DIXON SHELDON This is the site of the gristmill built by Jared Dixon (Joaquín) Sheldon in 1846-47 on Omochumnes Rancho, granted to him by Mexican government in 1843. Sheldon, born in Vermont on January 8, 1813, came to California in 1832. He was shot July 11, 1851 by miners in a quarrel over a dam he had built that flooded miners' claims.

3 mi SE of Sloughouse (Sacramento)

464^A

PRAIRIE CITY Site of Prairie City, mining town and center of trade in California's gold rush days. In July 1853, at the height of its prosperity, Prairie City included 15 stores and 10 boarding houses and hotels; two stage lines operated daily. A quartz mill that cost \$50,000 to build operated here in the 1850s.

Off Hwy 50 at Prairie City Rd (Sacramento)

468^A

MICHIGAN BAR Now practically obliterated by hydraulic and dredging operations, the booming town of Michigan Bar once contained 1,500 population. Gold was discovered here in 1849 by citizens of Michigan, after whom the settlement was named. Pottery works, once largest in the state, were located here, and town contained a post office and Wells Fargo Agency.

Michigan Bar (Sacramento)

525^A

SUTTER'S FORT John Augustus Sutter, born of Swiss parents in Germany, arrived in New York in July 1834 and in California in July 1839. He founded the fort in 1839 to protect "New Helvetia," his 76-square-mile Mexican land grant. Of the original fort, the two-story central building, made of adobe and oak remains; the fort's outer walls and rooms, which had disappeared by the 1860s, were reconstructed after the state acquired the property in 1890.

Sutter's Fort State Historic Park, 27th and I. Sts, Sacramento (Sacramento)

526

CALIFORNIA'S FIRST PASSENGER RAILROAD The Sacramento Valley Railroad, running from Sacramento to Folsom, was begun at this site on February 12, 1855. The passenger terminal was located here; the turntable and freight depot were at Third and Front Streets. Completion of the railroad was celebrated at Folsom on February 22, 1856.

3rd and R Sts, Sacramento (Sacramento)

558^A

TERMINAL OF CALIFORNIA'S FIRST PASSENGER RAILROAD Completion of the 22-mile Sacramento Valley Railroad line from Sacramento to Folsom was celebrated here February 22, 1856, by enthusiastic residents of both cities. The new line, commenced February 12, 1855, was built by noted pioneer engineer Theodore DeHone Judah.

In plaza on Sutter near Reading, Folsom (Sacramento)

DEPARTMENT OF PARKS AND RECREATION

P.O. BOX 2390
SACRAMENTO 95811

(916) 445-7067



CITY PLANNING DEPARTMENT

DEC 07 1983 4:37 P.M.

RECEIVED

15

December 7, 1983

Mr. Marty Van Duyn, Planning Director
City Planning Department
927 Tenth Street, Suite 300
Sacramento, CA 95814

Dear Mr. Van Duyn:

The California Department of Parks and Recreation has read your staff report and recommendations to the City Design Review and Preservation Board (12-7-83 meeting), regarding the proposed Fort Sutter Medical/Retail Center project P83-211. As a trustee agency (see State C.E.Q.A. Guidelines, Section 15000 and Section 15386 (c)), with responsibility for projects that affect units of the State Park System, we commented on the significant environmental impacts this proposal would have on Sutter's Fort State Historic Park (see letter of December 1, 1983, attached). Now in your follow-up "Staff Evaluation" of this same project is the statement; "Approval of the project is based on the following findings of fact: 1) The project as presented and conditioned will not cause a negative impact on the historic Sutter's Fort area." This "finding of fact" is incorrect. As was discussed in our response to the Negative Declaration prepared, there were several negative impacts of this "project as presented and conditioned" which included all of the following items:

- "The proposal will result in the creation of an aesthetically offensive site open to public view from Sutter's Fort State Historic Park, which is across the street from the proposed development. The public who visit Sutter's Fort State Historic Park will be unable to avoid seeing the proposed 62' structure from within the walls of the Fort. (See the attached diagram). The construction of a building with such mass and which exceeds the present height limit by 17 feet, is a crucial factor in determining the level of

15

Mr. Marty Van Duyn, Planning Director
City Planning Department
December 7, 1983
Page 2

significance of the impact to Sutter's Fort State Historic Park. A structure on that site which did not exceed the present 45 feet height limit would not be visible from within the Fort walls, and thereby would allow the public to continue their enjoyment of the historic quality of Sutter's Fort."

--- "The height and mass of the proposed structure are inconsistent with the interpretive and historic themes portrayed at Sutter's Fort State Historic Park. The canyon/walled in effect created by this massive structure are incompatible with its surroundings. Visitors to Sutter's Fort State Historic Park will see the proposed 62' structure from within the Fort. (See attached diagram). The historic integrity and Living History Program at Sutter's Fort State Historic Park, and the quality of the recreational experience will be adversely affected by this proposed development."

--- "The proposed 62' medical/retail center structure has several impacts which are individually limited, but cumulatively considerable...Cumulatively these impacts result in a project that, as presently designed has a significant effect on Sutter's Fort State Historic Park."

--- "The tall, massive, walled in canyon of glass and brick is incompatible with Sutter's Fort State Historic Park. The overwhelming proportion of the structure will ruin the historic aspect of Sutter's Fort State Historic Park."

--- "...further information should be included in this Negative Declaration to ensure that all the significant impacts of the proposed project are dealt with and mitigated prior to construction."

--- "The project should be designed to be compatible with the site and its surroundings. The project as proposed,

15

Mr. Marty Van Duyn, Planning Director
City Planning Department
December 7, 1983
Page 3

does not sufficiently mitigate these cumulative impacts and therefore, the Negative Declaration needs further analysis of other site specific designs which could reduce the cumulative level of significance to an acceptable one."

All of these items should have been mentioned in the staff evaluation section entitled "Project Impact on Sutter's Fort." Instead, the proposed project is compared with the Sutter General Hospital Building. The issue here is not the Sutter General Hospital expansion facility. That item was addressed in an Environmental Impact Report, and the developers of that project worked on mitigating several impacts of their original design. The issue now, is to mitigate the impacts of this 5 story/62' structure, which as presently designed, is incompatible with its surroundings.

Also, in the section "Compatibility of Buildings to Adjacent Buildings and Neighborhoods", several other adjacent structures are discussed. The one-story building just west of the project site should be included here. The height of the existing structures just west, southwest, north, and east of the project site are all 1 story, and yet, again the proposed project height is compared only in relationship to the Sutter General Hospital expansion. All the structures which currently exist on the block where the proposed project would be located are no taller than 2 stories.

Lastly, in the "Building Design" paragraph of your staff evaluation there is no discussion of the design elements which require three different special permits (height, width, and allowable square footage), in order to be constructed. Clearly, the design proposed does not suit the site, or there would be no need for these special permits. Surely a facility for this site could be designed that would keep within the zoning requirements and property line, and would still provide a medical/retail office complex on the site.

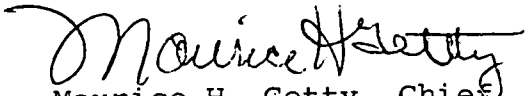
We request that the project be modified to protect Sutter's

15

Mr. Marty Van Duyn, Planning Director
City Planning Department
Page 4

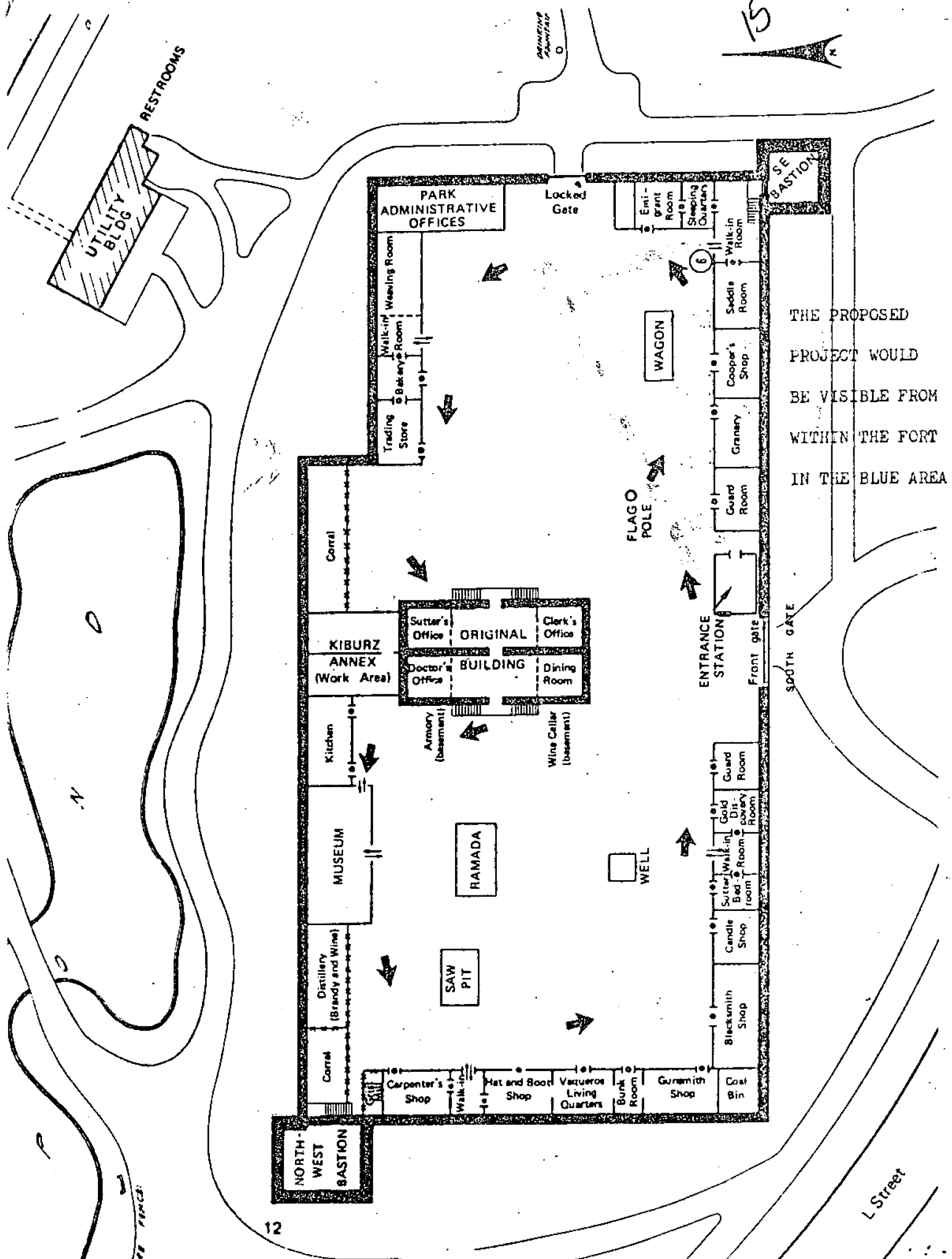
Fort State Historic Park and provide the same level of project benefits.

Sincerely,



Maurice H. Getty, Chief
Resource Protection Division

Attachments (2)



THE PROPOSED PROJECT WOULD BE VISIBLE FROM WITHIN THE FORT IN THE BLUE AREA

L Street

DEPARTMENT OF PARKS AND RECREATION

P.O. BOX 2390
SACRAMENTO 95811

(916) 445-7067

December 1, 1983

Mr. Marty Van Duyn, Planning Director
City Planning Department
927 Tenth Street, Suite 300
Sacramento, California 95814

Dear Mr. Van Duyn:

The California Department of Parks and Recreation has reviewed the Negative Declaration for the Fort Sutter Medical/Retail Center P83-211 and has the following comments:

Initial Study ChecklistAir

Item 2.c. ---- SHOULD BE "YES" INSTEAD OF "NO"

The proposed 62' structure will have an effect on air movement in the local area. The height will block and redirect air circulation in a tunnel effect on K Street. The use of solar/reflective glass will also produce changes in the temperatures of the immediate area. A study which discusses the sun angle for different hours in a day, and different days within the four seasons, should be included in this mitigated Negative Declaration. Consideration should also be given to reflective glare and heat that would affect pedestrian traffic in the vicinity.

Light and Glare

Item 7. ---- SHOULD BE "YES INSTEAD OF "MAYBE"

As mentioned in the Contractors "Environmental Questionnaire" (section VI.D., page 11) the exterior building materials include "Solar bronze glass and

15

Mr. Marty Van Duyn, Planning Director
City Planning Department
December 1, 1983
Page 3

Item 13.d. ---- SHOULD BE "YES" INSTEAD OF "MAYBE"

The proposal includes ingress and egress from both K Street, and 28th Street (via an 20' wide alley). "Because the proposed retail/office center represents a more intense use of the site," (pg. 6), it would generate more traffic than presently exists in this midtown neighborhood.

Public Services

Item 14.d. ---- SHOULD BE "YES" INSTEAD OF "NO"

The Negative Declaration acknowledges that "increased usage of the Sutter's Fort Park site may occur," and that "A certain percentage of the new increase in on-site population (81 +/- persons) will utilize the park." This use will have an effect upon the services we provide. The statement "The State has not indicated that adverse impacts to the park will occur, therefore, it is expected that the impacts will be less than significant," needs to be further documented. With what representatives of the State was this project discussed, and when and by what medium was this insignificance designation conveyed?

Aesthetics

Item 18. ---- SHOULD BE "YES" INSTEAD OF "MAYBE"

The proposal will result in the creation of an aesthetically offensive site open to public view from Sutter's Fort State Historic Park, which is across the street from the proposed development. The public who visit Sutter's Fort Historic Park will be unable to avoid seeing the proposed 62' structure from within the walls of the Fort. (See the attached diagram). The construction of a building with such mass and which exceeds the present height limit by 17', is a crucial factor in determining the level of significance of the impact to Sutter's Fort State Historic Park. A structure

15

Mr. Marty Van Duyn, Planning Director
City Planning Department
December 1, 1983
Page 4

Aesthetics (con't)

on that site which did not exceed the present 45' height limit would not be visible from within the Fort walls, and thereby would allow the public to continue their enjoyment of the historic quality of Sutter's Fort.

Also, the fact that the "project design may require an encroachment permit to allow construction within established public right-of-ways" (pg. 6), would obstruct the public's view along the K Street side of the proposed structure. The building is designed so that the 3rd and 4th floors will extend over the landscaped pedestrian walkway on K Street (see PD-11 attached). Several site specific design plans should be included in the Negative Declaration, including at least one design plan which does not require special permits to exceed both the property line boundary and the height limit.

Recreation

Item 19. ---- SHOULD BE "YES" INSTEAD OF "NO"

The proposal will affect the quality of the recreational opportunities at Sutter's Fort State Historic Park. The height and mass of the proposed structure are inconsistent with the interpretive and historic themes portrayed at Sutter's Fort State Historic Park. The canyon/walled in effect created by this massive structure are incompatible with its surroundings. Visitors to Sutter's Fort State Historic Park will see the proposed 62' structure from within the Fort. (See attached diagram.) The historic integrity and Living History Program at Sutter's Fort State Historic Park, and the quality of the recreational experience, will be adversely affected by this proposed development.

Archaeological/Historical

Item 20. ---- "MAYBE"

An archeologist should be on-site during the excavation phase of the construction. The archeologist should determine the significance of any items unearthed, and should have the authority to halt the project,

15

Mr. Marty Van Duyn, Planning Director
City Planning Department
December 1, 1983
Page 5

Archaeological/Historical (con't)

in order to record and retrieve significant materials before any further construction takes place. A contingency plan for the site should be developed in order to allow for the aforementioned actions. There should also be a site history study done to determine the accuracy of the statement "the proposed projects' potential impacts on historical resources is not expected to be significant." (pg. 6); if current studies validate this statement, a reference list of these studies should be included in the mitigated Negative Declaration.

Mandatory Finding of Significance

Item 21.c. ---- SHOULD BE "MAYBE" INSTEAD OF "NO"

The proposed 62' medical/retail center structure has several impacts which are individually limited, but cumulatively considerable. These items: Air, Light and Glare, Land Use, Housing, Transportation/Circulation, Public Services, Aesthetics, Recreation, and Archaeological/Historical, have all been discussed in this response to the Negative Declaration. Cumulatively these impacts result in a project that, as presently designed, has a significant effect on Sutter's Fort State Historic Park. The tall, massive, walled in canyon of glass and brick is incompatible with Sutter's Fort State Historic Park. The overwhelming proportion of the structure will ruin the historic aspect of Sutter's Fort State Historic Park. The project should be designed to be compatible with the site and its surroundings. The project as proposed, does not sufficiently mitigate these cumulative impacts and therefore, the Negative Declaration needs further analysis of other site specific designs which could reduce the cumulative level of significance to an acceptable one.

In conclusion, there are a number of items which were not sufficiently addressed or mitigated in this proposed Negative Declaration for the Fort Sutter Medical/Retail Center P83-211 project. These matters need further study before the project is allowed to proceed. Additional site plans should be done, which would explore alternatives to the one plan proposed, and should include the design of a structure which would not require either the special permit for the 17' height variance or an encroachment

15

Mr. Marty Van Duyn, Planning Director
City Planning Department
December 1, 1983
Page 6

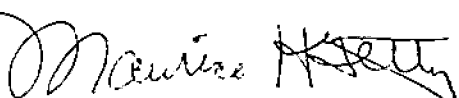
permit to build out beyond the property line. The design submitted for this proposed project, which has the 3rd and 4th floors of the K Street side of the building exceeding the property line and extending over the landscaped walkways, does not merit consideration of a special permit to also exceed the height requirements. Surely there are other designs which could be accommodated on this site which would stay within the property lines and the 45' height requirement, and still provide the needed "quality medical space" and retail space in this area.

Therefore, the "trade off" (mentioned on page 2 of City Planning's report to the Planning Commission) of "providing additional landscaping and ground floor retail", in order "to increase the height of the building from C-2 limit of 45 feet to a height of 62 feet" is certainly not an equitable or justified trade.

In any case, further information should be included in this Negative Declaration to ensure that all the significant impacts of the proposed project are dealt with and mitigated prior to construction.

We appreciate the opportunity to review and comment on this Negative Declaration for the Fort Sutter Medical/Retail Center P83-211. We request that a copy of any subsequent information regarding this project be sent to James M. Doyle, Supervisor, Environmental Review Section, California Department of Parks and Recreation, P.O. Box 2390, Sacramento, CA 95811.

Sincerely,



Maurice H. Getty, Chief
Resource Protection Division

Attachments (2)