



**CITY OF SACRAMENTO PLANNING COMMISSION
RECORD OF DECISION**

300 Richards Blvd., 3rd Floor, Sacramento, CA 95811

Project Name: 1718 Capitol Parking Appeal
Project Number: Z08-236
Project Location: 1718 Capitol Avenue and 1310 18th Street
Assessor's Parcel No.: 006-0176-003 and 006-0176-006
Applicant: Michael Hawkins
Action: Items A-D approved. Action Date: March 12th, 2009

**REQUESTED
ENTITLEMENT(S):**

- A. Environmental Determination: Exempt, CEQA Guidelines sections 15301, 15303, and 15311;
- B. Special Permit to locate four required parking spaces off-site on an adjacent parcel under different ownership for a basement conversion to office space on approximately 0.12 acres in the General Commercial (C-2)(NC) zone.
- C. Special Permit for attended parking of four required parking spaces on 0.15 acres in the General Commercial (C-2)(NC) zone.
- D. Variance to waive the solid masonry wall requirement on the east and portion of the west property lines for any non-residential use abutting residentially-zoned or used parcels.


ACTIONS TAKEN: On 03/12/2009, the Planning Commission took the following actions based on the attached findings of fact and subject to the attached conditions of approval: Approved items A-D.

Action certified by:


David Kwong, Planning Manager

Sent to Applicant: 03/12/2009

By:


Staff Signature

NOTICE OF PROTEST RIGHTS

The above conditions include the imposition of fees, dedications, reservations, or other exactions. Pursuant to California Government Code section 66020, this Notice of Decision serves as written notice to the project applicant of

(1) the amount of any fees and a description of any dedications, reservations, or exactions imposed, and (2) that the applicant may file a protest against the imposition of those fees, dedications, reservations, or other exactions within 90 days of the date of this approval, which is deemed to be the date that the fees, dedications, reservations, or other exactions are imposed. If the payment of a fee is imposed as a condition of approval, but the amount of the fee is not stated in this Notice of Decision and is not otherwise available to the applicant on a fee schedule or otherwise, the 90 days protest period will begin to run when the applicant is notified of the amount of the fee.

For purposes of this notice, the following fees are deemed to be imposed upon approval of the first discretionary entitlement for the subject development project and are subject to the protest procedures set forth in Title 18 of the Sacramento City Code as indicated: North Natomas Public Facilities Fee, Transit Fee, and Drainage Fee (SCC 18.24.160); North Natomas Land Acquisition Fee (SCC 18.24.340); North Natomas School Facilities Fee (SCC 18.24.710); Jacinto Creek Planning Area Facilities Fee (SCC 18.28.150); Willow Creek Project Area Development Fee (SCC 18.32.150); Development Impact Fees for the Railyards, Richards Boulevard, and Downtown Areas (SCC 18.36.150); Habitat Conservation Fee for the North and South Natomas Community Plan Areas (18.40.090); and Park Development Impact Fee (18.44.140).

The time within which to challenge a condition of approval of a tentative subdivision map, including the imposition of fees, dedication, reservation, or other exaction, is governed by Government Code section 66499.37

EXPIRATION

TENTATIVE MAP: Failure to record a final map within three years of the date of approval or conditional approval of a tentative map shall terminate all proceedings.

SPECIAL PERMIT: A use for which a Special Permit is granted must be established within three years after such permit is issued. If such use is not so established, the Special Permit shall be deemed to have expired.

VARIANCE: Any variance involving an action which requires a building permit shall expire at the end of three years unless a building permit is obtained within the variance term.

PLAN REVIEW: Any plan review shall expire at the end of three years unless a building permit is obtained within the plan review term.

NOTE: 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 rezoning, special permits and variances.

APPEALS

The action of the Planning Commission is final unless called up by the district councilmember or mayor within ten calendar days of the Planning Commission action, on or before 03/23/2009. If the 10th day falls on a Sunday or holiday, the appeal may be filed on the following business day.

Findings Of Fact

A. Environmental Determination: Categorically Exempt

1. Based on the determination and recommendation of the City's Environmental Planning Services Manager and the oral and documentary evidence received at the hearing on the Project, the Planning Commission finds that the Project is exempt from review under Sections 15301, 15303, and 15311, Existing Facilities, New Construction or Conversion of Small Structures, and Accessory Structures, respectively. These exemptions are from the California Environmental Quality Act Guidelines as follows:
 - a. Categorical Exemption 15301 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The proposal entails utilizing an existing strip of vacant

land for off-site and attended parking.

- b. The 15303 exemption includes the construction of a limited number of structures, such as garages, carports, patios, swimming pools, and fences that are accessory to an existing use. The project proposes waiver of the solid masonry wall requirements along the east and portion of the west property lines. The project requires a variance to waive this requirement.
- c. Exemption 15311 consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including small parking lots. The off-site and attended parking proposed would serve the commercial use of the adjacent parcel.

B&C. The **Special Permits** to locate four required parking spaces off-site on an adjacent parcel under different ownership for a basement conversion to office space on approximately 0.12 acres and for attended parking of four required parking spaces on 0.15 acres in the General Commercial (C-2)(NC) zone is approved subject to the following Findings of Fact and Conditions of Approval:

1. The proposed project, as conditioned, is based upon sound principles of land use in that:
 - a. adequate parking will be provided for the proposed use;
 - b. the location of the off-site parking is immediately adjacent to the proposed use; and
 - c. the leased area provided for parking is currently under-utilized.
2. Granting the request will not be injurious to public health, safety, or welfare nor result in a nuisance in that:
 - a. the project has and is conditioned to maintain a ten-year lease for four off-site parking spaces; and
 - b. the owner of the adjacent property providing the land for the parking is supportive of the use of the land.
3. The special permits for off-site and attended parking will not be materially detrimental to the other properties or uses in the area in that the required spaces are being provided on the adjacent parcel, rather than waived.
4. The project is consistent with the General Plan and Community Plan designations of Community/Neighborhood Commercial & Offices and General Commercial, respectively.

Conditions of Approval

GENERAL:

- B/C1. If gates are proposed along the alley they shall remain open during business hours.

- B/C2. The applicant shall submit a detailed plan specifying how the attended parking will function to Planning for review and approval prior to final occupancy and utilization of the parking lot.
- B/C3. The project shall substantially conform to the plans submitted. Any modifications shall be subject to review and approval by Planning.
- B/C4. Applicant shall conform to the conditions of Preservation application PB08-065, as well as previous approvals.
- B/C5. Any other changes or additions shall require additional Planning review and approval.
- B/C6. The applicant shall obtain all necessary building permits.
- B/C7. In the event that 1718 Capitol Avenue loses or ends the lease with the 1310 18th Street property owner, then the applicant must return to the Development Services Department new entitlements.

ADVISORY NOTES:

- B/C8. There is an existing 6" water main and an 8" combined sewer main in the alley. The applicant is responsible for the protection and repair of the City water and sewer mains if there are any grading or work proposed in the alley.
 - B/C9. This project is served by the Combined Sewer System (CSS), however based on the project description there will be no significant impact to the CSS.
 - B/C10. If there is grading, then the applicant shall grade the lot so that drainage will not cross property lines.
 - B/C11. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to prepare erosion and sediment control plans for both during and after construction of the proposed project, prepare preliminary and final grading plans and prepare plans to control urban runoff pollution from the project site during construction.
- D. The Variance to waive the solid masonry wall requirement on the east and portion of the west property lines is approved subject to the following Findings of Fact and Conditions of Approval:**
- 1. The proposed project, as conditioned, is based upon sound principles of land use in that:
 - a. the wall, as required by code to be placed along the property line, would not separate the residential uses from the parking lot proposed, rather, separate the proposed parking lot from the previously approved parking lot;
 - b. the waiver of the wall requirements will not substantially alter the characteristics of the surrounding neighborhood; and

- c. the solid masonry wall on the west property line, as well as the existing wood fence on the east, will be compatible with the neighborhood and separate the commercial uses from residential uses.
2. Granting the request will not be injurious to public health, safety, or welfare nor result in a nuisance in that:
 - a. the rear yard area for the residential uses at 1310 18th Street is existing and will remain unchanged; and
 - b. the masonry wall on the west property line will provide for a buffer between the previously approved parking spaces and the adjacent residential use.
3. Granting the variance does not constitute a special privilege extended to an individual applicant in that a variance would be and has been granted to other property owners facing similar circumstances.
4. Granting the variance request does not constitute a use variance in that the parking lot is a use that is permitted in the C-2 zone.
5. The project is consistent with the General Plan and Central City Community Plan which designate the subject site as Community/Neighborhood Commercial & Offices and General Commercial, respectively.

Conditions Of Approval

GENERAL:

- D1. Existing wood fence between the properties of 1718 Capitol Avenue and 1310 18th Street to the east of the proposed parking lot, shall remain. There shall be no fencing between the previously approved parking lot of 1718 Capitol Avenue and 1310 18th Street.
- D2. Solid masonry wall shall be constructed along the length of the parking area along the western property line from the alley to the edge of the new planter. Wrought iron fence shall be constructed from the end of the masonry wall to the front of the property.
- D3. Applicant shall plant evergreen shrub(s) a minimum 48" high or at least the height of the HVAC units, to screen the units from street view.

ADVISORY NOTES:

- D4. The design, materials, and dimensions of the proposed masonry wall on the west property line of 1718 Capitol Avenue, shall be submitted for Preservation review and approval prior to obtaining building permits. Any fencing proposed along the alley or the west property line from the wall to the north property line is also subject to Preservation review and approval. Additionally, Preservation review and approval will be required for the concrete work in the front of the building and along the walkways adjoining this concrete entry.

