

Meeting Date: 3/19/2013

Report Type: Public Hearing

Report ID: 2013-00185

Title: Appeal: Cannery Off-Site Parking (P12-041)

Location: 1708 34th Street and 3310 P Street for the Cannery at 1601 – 1675 Alhambra Boulevard, District 3

Issue: A third party has appealed to the City Council the Planning and Design Commission's decision to authorize conversion of a vacant commercial building and two Quonset huts into 66 off-site parking spaces for office users at The Cannery.

Recommendation: Conduct a public hearing and upon conclusion pass 1) a Resolution determining the project is exempt under CEQA Section Guidelines Sections 15332 (Infill Development), 15303 (Conversion of Existing Small Structures) and 15061(b)(3) (No Significant Effect), and 2) a Resolution approving the Special Permits to allow stand-alone off-site parking facilities and attendant parking facilities in the General Commercial Special Planning District (C-2-SPD) zone.

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Presenter: David Hung, Associate Planner, (916) 808-5530, Community Development Department

Department: Community Development Dept

Division: Planning

Dept ID: 21001221

Attachments:

- 1-Description/Analysis
- 2-Background
- 3-Vicinity Map
- 4-Resolution CEQA
- 5-Resolution Project Approval
- 6-Off-Site Parking Plan
- 7-Cannery Site Plan
- 8-Appeal

City Attorney Review

Approved as to Form
Jeffrey Heeren
3/6/2013 10:18:22 AM

City Treasurer Review

Reviewed for Impact on Cash and Debt
Russell Fehr
3/4/2013 5:00:19 PM

Approvals/Acknowledgements

Department Director or Designee: Max Fernandez - 3/5/2013 3:14:04 PM



Description/Analysis

Issue: The applicant is requesting off-site parking on two General Commercial Special Planning District (C-2-SPD) zoned parcels totaling approximately one acre for office users at The Cannery (located at the southeast corner of Alhambra Boulevard and Stockton Boulevard). The project involves the conversion of the interiors of a vacant commercial building and two Quonset huts into parking facilities; the exterior paved area on both parcels will be used for surface parking and maneuvering. A total of 66 parking spaces are proposed. Off-site parking facilities are allowed in the C-2 zone subject to a Special Permit. Since the parking is restricted to employee parking and not opened to the general public, and will be controlled by permit parking or the like, the use is considered attendant parking. The development standards for an attendant parking facility may be waived with a Special Permit. On January 17, 2013, the City Planning and Design Commission approved the entitlements for the project described above. On January 28, 2013, a third party appealed the decision of the Planning and Design Commission to the City Council. The main reasons stated in the appeal are the proposed project is contrary to smart growth principles and the goals of the newly adopted parking regulations in the zoning ordinance, and that there are other parking options in close vicinity to The Cannery (see Attachment 8).

Policy Considerations: The General Plan land use designation of the subject site is Urban Corridor Low, which provides for a mix of horizontal and vertical mixed-use development and single-use commercial and residential development that includes, retail, service, office, as well as compatible public, quasi-public, and special uses. The project involves the reuse of existing structures in a mixed-use neighborhood to serve as off-site parking for office users at the Cannery and henceforth alleviating on-street parking demand in the neighborhood. The project is consistent with the goals and policies of the General Plan designation of Urban Corridor Low in that it supports the viability of the use at the Cannery by providing additional parking for the users.

Economic Impacts: None

Environmental Considerations: The project would not result in any significant effects on the environment. The project qualifies for exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15332, 15303 and 15061(b)(3). The project has no features that would substantially and adversely affect the physical conditions in the area, and it can be seen with certainty that there are no significant effects.

Sustainability: The project seeks to preserve and reuse existing buildings that have been underused for several years. The project is for an interim use that was approved with a term limit and does not preclude other uses from occupying the site in the future.

Commission/Committee Action: On January 17, 2013, the City Planning and Design Commission approved the project described above with a vote of 8 ayes to 5 noes.

Rationale for Recommendation: The proposed off-site parking facilities will support the offices use at the Cannery and the use will be compatible with the immediate surrounding uses of both residential and commercial. The proposed parking facilities are to be controlled and only used by employees of the Cannery with restricted hours. The parking facilities will support the viability of the office use at the Cannery and alleviate on-street parking.

Financial Considerations: This project has no fiscal considerations.

Emerging Small Business Development (ESBD): No goods or services are being purchased under this report.

Background

Background Information: The project comprises of two contiguous parcels in the Alhambra Corridor Special Planning District. The first parcel, at 1708 34th Street, is an existing through lot between 34th Street to the east and 33rd Street to the west. There is an approximately 18,400 square-foot vacant commercial building (formerly Muzio Bakery) on the site with existing driveways on 34th Street and 33rd Street, and records show that the structure was built in 1948. The second parcel, at 3310 P Street, is also an existing through lot with frontages on 34th Street and 33rd Street, as well as street side frontage on P Street. The site contains two Quonset hut structures at the corner of P Street and 33rd Street and another structure fronting on 34th Street. No work is being proposed for the structure fronting 34th Street. There are existing driveways on P Street, 33rd Street, and 34th Street but a portion on 33rd Street at the side of the Quonset hut is not currently paved. The structures, totaling approximately 15,000 square feet, were constructed in 1953. The bakery ceased operations approximately six years ago, but the subject buildings have been continuously used for bakery truck and equipment storage by the owner. The site has also been listed for many years for lease.

On November 15, 2012, the Zoning Administrator conducted a hearing for special permit entitlements for off-site parking and attendant parking on the subject sites (Z12-101). At the hearing, many neighbors spoke in opposition to the project, perceiving that the proposed parking facilities will be incompatible with the neighborhood. After the close of the public testimony, the Zoning Administrator approved the request with conditions, including a 10-year term limit. The decision was appealed by a third party to the Planning and Design Commission on November 26, 2012. The City Council adopted changes to the zoning ordinance's parking regulation that were to go into effect on December 28, 2012. Since the new code requirements went into effect before the appeal could be heard by the Planning and Design Commission, the project could not proceed because the approved entitlements are no longer valid. Therefore, the applicant withdrew Z12-101. The applicant reapplied for the new required Planning and Design Commission Special Permit for the off-site parking lot (no longer a Zoning Administrator permit) in subject P12-041 application.

Public/Neighborhood Outreach and Comments: The proposed project was routed to neighborhood advisory groups including the East Sacramento Improvement Association, the East Sacramento Preservation Inc., the McKinley East Sacramento Neighborhood Association, the McKinley Elvas Neighborhood Association (MENA), and WalkSacramento. Staff received comments from MENA requesting that the front elevation of the buildings be painted, exterior lighting be added, and all entry and exit doors be secured at night. Staff received comments from the East Sacramento Improvement Association Board that it has no objections to the proposal but staff should consider the comments of neighbors. Staff received a comment letter from WalkSacramento; the letter requested on-site improvements at the Cannery site such as additional walkways that connect the site to the adjacent public right-of-way and replacement of trees that are being removed as part of the work.

Staff also received comments from various neighbors in opposition to the project during the Zoning Administrator review; many neighbors felt that the proposed parking use will be a detriment to the neighborhood and that other uses will be more suitable to the neighborhood. Some of the major concerns are: 1) the neighborhood will be impacted by the additional traffic; 2) 33rd Street is too narrow to accommodate the additional traffic; 3) pedestrian safety when traveling to and from the site; and 4) new lighting fixtures at the building will impact adjacent home. The discussion under the environmental considerations section below addresses traffic impacts. In order to be sensitive to the surrounding residential neighborhood and to ensure pedestrian safety, staff has conditioned for the applicant to provide parking garage users with information educating them to use 34th Street for pedestrian access and to avoid driving through the surrounding residential neighborhood when entering and exiting the facilities. To address lighting concerns, staff has conditioned that any new exterior lighting fixtures shall be shielded and placed in a manner that avoids glare when observed from the street or other public areas. Furthermore, staff conditioned that in the event of an emergency or to report a complaint, the applicant shall have posted onsite the name of an emergency contact person and phone number, in a clearly identified place on each structure.

Planning and Design Commission Public Hearing: At the January 17, 2013 Planning and Design Commission hearing, some adjacent property owners spoke in opposition to the project. After the close of public testimony, the Planning and Design Commission approved the project with conditions of approval as proposed by staff, on a vote of 8 ayes to 5 noes. On January 28, 2013, the decision of the Planning and Design Commission was appealed by a third party to the City Council. The appeal, accompanied by a letter, is shown in Attachment 8.

Environmental Considerations: The project would convert existing interior space on two parcels to parking, and use uncovered paved areas on the two parcels for parking, maneuvering and ingress and egress.

The parcel previously occupied by Muzio Bakery at 1708 34th Street would provide a driveway on 34th Street for entrance to the parking, and a driveway on 33rd Street for exit only. This parcel is approximately 21,360 square feet in size, and is improved with a building that includes approximately 18,400 square feet of interior space. 40 parking spaces would be provided.

The parcel located on the southeast corner of 33rd Street and P Street at 3310 P Street is improved with two Quonset huts. The parcel is approximately 20,300 square feet in area; the interior space includes approximately 15,000 square feet. A driveway for entering and existing would be located on 33rd Street at the south end of the parcel; a vehicular exit from the interior space would be located on P Street. 26 parking spaces would be provided.

Land uses to the west and south of the two parcels consist of a variety of commercial uses, including a number of small businesses. Single-family residential uses are located to the north across P Street, and a mix of residential and commercial sites exist across

34th Street to the east of the Muzio Bakery site. The 2030 General Plan land use designations for the two parcels and the area surrounding the parcels generally to the south is Urban Corridor Low. Residential uses across P Street are in the Traditional Neighborhood Low Density area.

The two parcels are most easily accessed by automobile from the surrounding major roadways: Alhambra Boulevard to the west, Stockton Boulevard to the south (via 33rd or 34th Street), 34th Street to the east, and N Street and Folsom Boulevard to the north. The project would not construct any new roadways or other street access to the two parcels. Stockton Boulevard, Alhambra Boulevard and Folsom Boulevard are each identified as arterial roadways in the 2030 General Plan. 34th Street is identified as a Collector (See Master EIR, Figure 6.12-8).

The two parcels are located in the urbanized area of the City, and are served by public utilities and services. Construction activities required for the project would be limited to surface and interior improvements to establish parking, improvements to utility services to ensure compliance with City fire and safety requirements and installation of lighting required for safety.

Operation of the project would result in new activity at the two fully-developed parcels. The activity would be limited to vehicular ingress and egress, and activities of those parking at the site as they entered and exited the site. While some users may travel to the site from Alhambra Boulevard, the more convenient routes are those that connect to Stockton Boulevard and 34th Street, two major roadways that are near the site. The uses are typical uses for urbanized areas of the City.

The additional traffic generated by the project would be approximately 132 trips per day, with about 45 trips being generated during both the morning and afternoon peak hours (Department of Public Works, December 2012). These trips would not exceed the capacity of the roadways, and would not result in any decrease in the level of service since all these roadways are designed to accommodate these types of trips. Other uses that would be consistent with the 2030 General Plan and could be developed on the site could generate far higher traffic levels. For example, the 2030 General Plan for this project site allows for office land uses which could generate up to 1,555 vehicle trips per day, with 229 trips during the morning peak hour and 218 trips during the afternoon peak hour.

Parking and conversations between people are activities that are common in commercial areas as well as traditional neighborhoods. The project would not initiate or encourage activities that could substantially increase the noise environment, and conditions placed on the project ensure that lighting installed as part of the project would not result in light or glare impacts on neighboring properties.

The project would not result in any significant effects on the environment. The parcels are less than five acres in size, surrounded by urban uses and served by required utilities and public services and have no value as habitat. The use proposed is consistent with the general plan and zoning ordinance. The project qualifies for

exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15332.

The project also qualifies for exemption from CEQA pursuant to section 15303 of the CEQA Guidelines. This exemption applies to the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Section 15303 includes a limitation for the square footage that can be used in the instance of a "...store, motel, office, restaurant or similar structure..." and includes, as an example, "[a]ccessory (appurtenant) structures including garages, carports, patios, swimming pools and fences."

The most important consideration, however, is whether the proposed project would have any significant effect on the environment. The CEQA Guidelines define a significant effect as "...a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project..." (Section 15382). In this case, the project would provide parking within enclosed buildings within the urbanized portion of the community. The project has no features that would substantially and adversely affect the physical conditions in the area, and it can be seen with certainty that there are no significant effects. Therefore, the project also qualifies for the exemption set forth in CEQA Guidelines section 15061(b)(3) that provides that CEQA does not apply to a project when it can be seen with certainty that the project will have no significant effect on the environment.

Land Use

The applicant is proposing to convert the interior of the vacant commercial building on the 1708 34th Street parcel and the interior of the two Quonset huts on the 3310 P Street parcel into parking facilities; the exterior paved area on both parcels will be used for surface parking and maneuvering. The parking facilities are to be used for off-site parking for office employees at the Cannery, a commercial/office complex located at the southeast corner of Alhambra Boulevard and Stockton Boulevard. A total of 66 parking spaces are proposed, with 40 spaces on the 1708 34th Street parcel and 26 spaces on the 3310 P Street parcel. Since the parking is restricted to employee parking and not opened to the general public, and will be controlled by permit parking or the like, the use is considered attendant parking.

Off-site parking facilities are allowed in the C-2 zone subject to provisions of chapter 17.64 of the zoning ordinance. Per section 17.64.060 of the zoning ordinance, a planning and design commission special permit is required to locate stand-alone parking facilities in the C-2 zone. Also, per section 17.64.040 of the zoning ordinance for development standards for parking facilities, a zoning administrator's special permit is required to allow an attendant parking facility in which one or more of the parking stalls do not function independently. Since the project is being reviewed by the City Council, the City Council shall have the authority to approve the aforementioned special permits. In considering the special permit for attendant parking, the City Council may waive or reduce development standards such as striping, vehicle maneuvering and tree

shading. In evaluating these special permits, the City Council is required to make the findings specified in section 17.212.011 of the zoning ordinance. The findings and staff's recommendations under each are as follows:

- A. A special permit shall be granted upon sound principles of land use. The project is based on sound principles in that:
 - 1. The proposed parking lot will support office use at the Cannery;
 - 2. The proposal is compatible with existing uses in the immediate area;
 - 3. The parking utilizes vacant buildings; and
 - 4. The use of the buildings as a parking garage is an interim use with a term limit.
- B. A special permit shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a nuisance. The project will not be detrimental to the public health, safety or welfare, or create nuisance in that:
 - 1. The proposed parking facilities shall be restricted in operation to coincide with the office business hours at the Cannery;
 - 2. A safety device shall be installed at the exit only driveway at P Street;
 - 3. The users will be directed to access the facility through routes away from the residential area; and
 - 4. New exterior lighting has been conditioned.
- C. A special permit use must comply with the objectives of the general or specific plan for the area in which it is to be located. The project is consistent with the goals and policies of the General Plan designation of Urban Corridor Low in that it supports the viability of the use at the Cannery by providing additional parking for the users.

The proposed off-site parking facilities will support the offices use at the Cannery and the use will be compatible with the immediate surrounding uses of both residential and commercial. The proposed parking facilities are to be controlled for use by employees of the Cannery only with restricted hours. Per condition of Public Works Department to promote pedestrian safety, the applicant shall install mirrors on both sides of the exit driveway on P Street. The parking facilities will support the viability of the office use at the Cannery.

Access, Circulation and Parking

The parcel at 1708 34th Street is a through lot with existing driveways on 34th Street and 33rd Street. The second parcel at 3310 P Street is also a through lot with frontages on 34th Street and 33rd Street, as well as street side frontage on P Street. There are existing driveways on P Street, 33rd Street and 34th Street; a portion of the frontage on 33rd Street is not currently paved. For the facility on the 1708 34th Street parcel, vehicles enter at the 34th Street driveway and exit at the 33rd Street driveway. For the

facility at 3310 P Street, vehicles can enter and exit at the 33rd Street driveway; vehicles parked at the western Quonset hut can exit on P Street.

There is currently approximately 209,000 square feet of office use and approximately 43,000 square feet of health club use in the Cannery complex. There are a total of 640 parking spaces at the Cannery, including 297 spaces in the garage structure. An additional 45 parking spaces at the basement of one of the buildings was recently approved by the Zoning Administrator. The subject sites are designated as Urban Districts per section 17.64.030 of the zoning ordinance, and for office use, the requirement is 0.5 spaces per 1,000 gross square feet of building, with maximum of 4 spaces per 1,000 gross square feet of building. The Cannery must provide a minimum of 105 parking spaces for just the office use but shall not exceed 836 spaces. With the requirement of 3 spaces for each 1,000 gross square feet, the health club would require a total of 129 spaces. Therefore, the site does not exceed the maximum allowed. The addition of 66 parking spaces off site should help alleviate the parking needs at the Cannery.

Height, Bulk and Setbacks

There are no proposed changes to the existing height and setback of the subject structure.

Building design and Signage

The project sites are located within the Alhambra Corridor Special Planning District (SPD) and stand-alone parking facilities are not prohibited in the SPD. The project sites are also within the Alhambra Corridor SPD Design Review area and the plans were reviewed by Design Review.



RESOLUTION NO.

Adopted by the Sacramento City Council

DETERMINING CANNERY OFF-SITE PARKING PROJECT IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (P12-041)

BACKGROUND

- A. On January 17, 2013, the City Planning Commission conducted a public hearing on and approved the Cannery Off-Site Parking project.
- B. On January 28, 2013, a third party appeal on the decision of the Planning Commission for the Cannery Off-Site Parking project was filed with the City.
- C. On March 19, 2013, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(1) and (2)(d) (posting and mail), and received and considered evidence concerning the Cannery Off-Site Parking project.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 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 City Council finds that the Project is exempt per Sections 15061(b)(3)-No Significant Effect, CEQA 15332-Infill Development Projects and CEQA 15303-New Construction or Conversion of the California Environmental Quality Act Guidelines as follows:

The project would convert existing interior space on two parcels to parking, and use uncovered paved areas on the two parcels for parking, maneuvering and ingress and egress.

The parcel previously occupied by Muzio Bakery at 1708 34th Street would provide a driveway on 34th Street for entrance to the parking, and a driveway on 33rd Street for exit only. This parcel is approximately 21,360 square feet in size, and is improved with a building that includes approximately 18,400 square feet of interior space. 40 parking spaces would be provided.

The parcel located on the southeast corner of 33rd Street and P Street at 3310 P Street is improved with two Quonset huts. The parcel is approximately 20,300 square feet in area; the interior space includes approximately 15,000 square feet. A driveway for entering and existing would be located on 33rd Street at the south end of the parcel; a vehicular exit from the interior space would be located on P Street. 26 parking spaces would be provided.

Land uses to the west and south of the two parcels consist of a variety of commercial uses, including a number of small businesses. Single-family residential uses are located to the north across P Street, and a mix of residential and commercial sites exist across 34th Street to the east of the Muzio Bakery site. The 2030 General Plan land use designations for the two parcels and the area surrounding the parcels generally to the south is Urban Corridor Low. Residential uses across P Street are in the Traditional Neighborhood Low Density area.

The two parcels are most easily accessed by automobile from the surrounding major roadways: Alhambra Boulevard to the west, Stockton Boulevard to the south (via 33rd or 34th Street), 34th Street to the east, and N Street and Folsom Boulevard to the north. The project would not construct any new roadways or other street access to the two parcels. Stockton Boulevard, Alhambra Boulevard and Folsom Boulevard are each identified as arterial roadways in the 2030 General Plan. 34th Street is identified as a Collector (See Master EIR, Figure 6.12-8).

The two parcels are located in the urbanized area of the City, and are served by public utilities and services. Construction activities required for the project would be limited to surface and interior improvements to establish parking, improvements to utility services to ensure compliance with City fire and safety requirements and installation of lighting required for safety.

Operation of the project would result in new activity at the two fully-developed parcels. The activity would be limited to vehicular ingress and egress, and activities of those parking at the site as they entered and exited the site. While some users may travel to the site from Alhambra Boulevard, the more convenient routes are those that connect to Stockton Boulevard and 34th Street, two major roadways that are near the site. The uses are typical uses for urbanized areas of the City.

The additional traffic generated by the project would be approximately 132 trips per day, with about 45 trips being generated during both the morning and afternoon peak hours (Department of Public Works, December 2012). These trips would not exceed the capacity of the roadways, and would not result in any decrease in the level of service since all these roadways are designed to accommodate these types of trips. Other uses that would be consistent with the 2030 General Plan and could be developed on the site could generate far higher traffic levels. For example, the 2030 General Plan for this project site allows for

office land uses which could generate up to 1,555 vehicle trips per day, with 229 trips during the morning peak hour and 218 trips during the afternoon peak hour.

Parking and conversations between people are activities that are common in commercial areas as well as traditional neighborhoods. The project would not initiate or encourage activities that could substantially increase the noise environment, and conditions placed on the project ensure that lighting installed as part of the project would not result in light or glare impacts on neighboring properties.

The project would not result in any significant effects on the environment. The parcels are less than five acres in size, surrounded by urban uses and served by required utilities and public services and have no value as habitat. The use proposed is consistent with the general plan and zoning ordinance. The project qualifies for exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15332.

The project also qualifies for exemption from CEQA pursuant to section 15303 of the CEQA Guidelines. This exemption applies to the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Section 15303 includes a limitation for the square footage that can be used in the instance of a "...store, motel, office, restaurant or similar structure..." and includes, as an example, "[a]ccessory (appurtenant) structures including garages, carports, patios, swimming pools and fences."

The most important consideration, however, is whether the proposed project would have any significant effect on the environment. The CEQA Guidelines define a significant effect as "...a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project..." (Section 15382). In this case, the project would provide parking within enclosed buildings within the urbanized portion of the community. The project has no features that would substantially and adversely affect the physical conditions in the area, and it can be seen with certainty that there are no significant effects. The project, therefore, also qualifies for the exemption set forth in CEQA Guidelines section 15061(b)(3) that provides that CEQA does not apply to a project when it can be seen with certainty that the project will have no significant effect on the environment.



Attachment 5: Resolution – Project Approval

RESOLUTION NO.

Adopted by the Sacramento City Council

APPROVING THE CANNERY OFF-SITE PARKING PROJECT, LOCATED AT 1708 34TH STREET AND 3310 P STREET FOR THE CANNERY AT 1601 – 1675 ALHAMBRA BOULEVARD. (APN: 007-0362-001-0000 and 007-0362-003-0000 for the Cannery at 007-0353-004, 007-0353-005, 007-0353-006 and 007-0353 -007) (P12-041)

BACKGROUND

- A. On January 17, 2013, the Planning Commission conducted a public hearing and approved, with conditions, the Project;
- B. On January 28, 2013, the Planning Commission’s decision was appealed by a third party to the City Council; and
- C. On March 19, 2013, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(1) and (2)(d) (posting and mail), and received and considered evidence concerning the project.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. Based on verbal and documentary evidence at said hearing, the City Council takes the following action:

The City Council approves the request to provide off-site parking on two General Commercial Special Planning District (C-2-SPD) zoned parcels totaling approximately one acre for commercial uses at The Cannery based on the findings of fact and conditions of approval set forth below.

Findings of Fact

B./C. The **Special Permits** to allow stand-alone off-site parking facilities and to allow attendant parking facilities are approved subject to the following Findings of Fact and Conditions of Approval:

1. The project is based on sound principles in that:

- a. The proposed parking lot will support office use at the Cannery;
 - b. The proposal is compatible with existing uses in the immediate area;
 - c. The parking utilizes vacant buildings; and
 - d. The use of the buildings as a parking garage is an interim use with a term limit.
2. The project will not be detrimental to the public health, safety or welfare, or create nuisance in that:
 - a. The proposed parking facilities shall be restricted in operation to coincide with the office business hours at the Cannery;
 - b. A safety device shall be installed at the exit only driveway at P Street;
 - c. The users will be directed to access the facility through routes away from the residential area; and
 - d. New exterior lighting has been conditioned.
 3. The project is consistent with the goals and policies of the General Plan designation of Urban Corridor Low in that it supports the viability of the use at the Cannery by providing additional parking for the users.

Conditions of Approval

B./C. The **Special Permits** to allow stand-alone off-site parking facilities and to allow attendant parking facilities in the General Commercial Special Planning District (C-2-SPD) zone are hereby **approved** subject to the following conditions:

Planning:

- B/C1. Development of the parking facilities shall be in compliance with the attached exhibits, except as conditioned. Any other changes or modifications to the site will require additional Planning review and approval.
- B/C2. The applicant shall obtain all necessary building permits prior to commencing construction.
- B/C3. The attendant parking facilities are to be used to park vehicles only during business hours; no vehicles are allowed to be stored on the lot overnight or when the business is closed. All over head doors at the subject buildings shall be closed outside of business hours.
- B/C4. The applicant shall be responsible for the daily removal of all litter generated by the business, from the subject site and in the immediate area abutting the site.

- B/C5. Provide both indoor and outdoor lighting fixtures at the sites, to the satisfaction of the Community Development Department. Any new exterior lighting fixtures shall be shielded and placed in a manner that avoids glare when observed from the street or other public areas and complies with City's lighting level requirements. Lighting shall be equipped with vandal-resistant covers.
- B/C6. If any of the buildings are altered or removed in the future, or if there any changes to ingress and egress, revised plans shall be submitted to the Planning Division for new Planning entitlements.
- B/C7. Prior to building permit submittal, applicant shall submit a security and operations plan to the Planning Division. The plan shall include, but not limited to, how the opening and closing of the doors are to be handled, the assignment procedure of the parking stalls, and the proposed hours of operation for the subject lots.
- B/C8. In the event of an emergency or to report a complaint, the applicant shall have posted onsite the name of an emergency contact person and phone number, in a clearly identified place on each structure.
- B/C9. The applicant shall provide parking garage users with information educating them to use 34th Street for pedestrian access and to avoid driving through the surrounding residential neighborhood when entering and exiting the facility.
- B/C10. The term of the off-site parking and attendant parking shall expire on March 19, 2023. The applicant shall reapply for new special permits to continue the use beyond the expiration date.

Building Division:

- B/C11. All new work must comply with the applicable requirements of the 2010 California Code of Regulations Title 24, Part 2 (California Building Code), Part 3 (California Electrical Code), Part 4 (California Mechanical Code), Part 5 (California Plumbing Code), Part 6 (California Energy Code), Part 9 (California Fire Code), and Part 11 (California Green Code).
- B/C12. An accessible pedestrian entrance is required per California Building Code, Section 1129B.1 - *In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.*

Fire Department: (All to be met to the satisfaction of the Fire Department.)

- B/C13. Provide the required fire hydrants in accordance with CFC 507 and Appendix C, Section C105.

- B/C14. Timing and Installation. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction. CFC 501.4
- B/C15. Provide a water flow test. (Make arrangements at the Permit Center walk-in counter: 300 Richards Blvd, Sacramento, CA 95814). CFC 507.4
- B/C16. Provide appropriate Knox access for site. CFC Section 506
- B/C17. An automatic fire sprinkler system shall be installed in any portion of a building when the floor area of the building exceeds 3,599 square feet.
- B/C18. Locate and identify Fire Department Connections (FDCs) on address side of building no further than 50 feet and no closer than 15 feet from a fire hydrant.
- B/C19. An approved fire control room shall be provided for all buildings protected by an automatic fire extinguishing system. Fire control rooms shall be located within the building at a location approved by the Chief, and shall be provided with a means to access the room directly from the exterior. Durable signage shall be provided on the exterior side of the access door to identify the fire control room. CFC 903.8
- B/C20. Garage doors or gates will be required to be provided with AC power and equipped with Key override switch Knox.

Department of Public Works:

- B/C21. The applicant shall construct standard public improvements pursuant to Chapter 18 of the City Code. Improvements shall be designed to City Standards and assured as set forth in Chapter 18.04.130 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Department of Public Works. This shall include the construction of frontage improvements along 33rd Street adjacent to the subject property to match existing improvements, street lights and the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk adjacent to the subject property per City standards to the satisfaction of the Department of Public Works.
- B/C22. All new and existing driveways shall be designed and constructed to meet City Standards to the satisfaction of the Department of Public Works.
Note: To provide sight distance clearance at the proposed exit only driveway at P Street, the applicant shall install mirrors on both sides of the driveway to the satisfaction of the Department of Public Works.
- B/C23. The design of walls, fences and signage near intersections and driveways shall

allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height at maturity. The area of exclusion shall be determined by the Department of Public Works.

Planning – Advisory Notes:

1. The first full-sized sheet of the project's Building Permit plans set shall include:
1) A Zoning Affidavit signed by the applicant that affirms the plans submitted for building permit comply with all conditions of approval and approved exhibits;
and 2) The project's record of decision including conditions of approval and approved exhibits.

Building – Advisory Notes:

2. Recommend providing an accessible path of travel from the parking garage to 34th Street. 34th Street provides the shortest accessible path of travel to the Cannery Building facility.

Police Department – Advisory Notes:

3. Provide recorded video at entrances/exits.

Sacramento Area Sewer District – Advisory Notes:

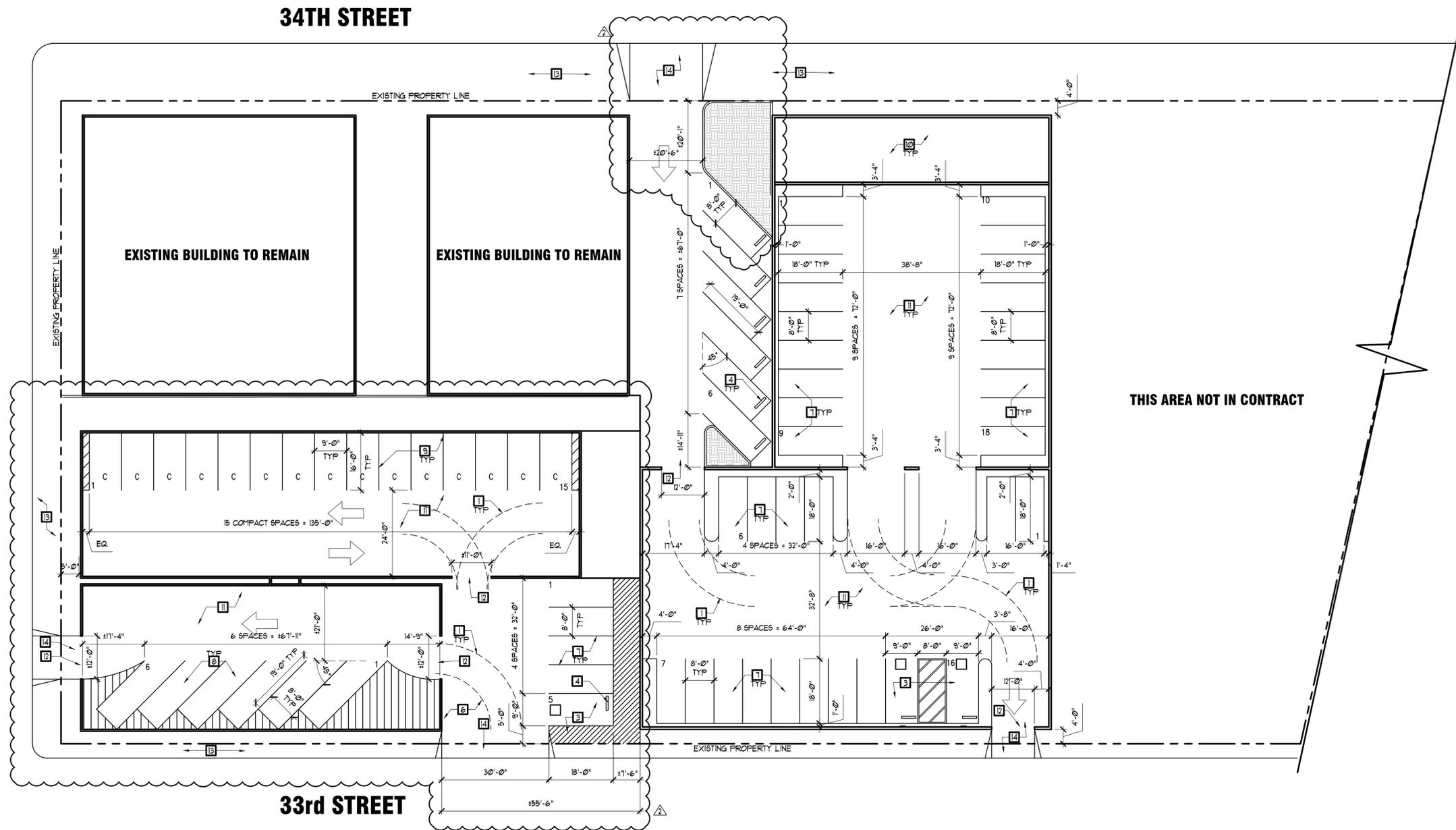
4. The subject property is outside the boundaries of the SASD but within the Urban Service Boundary and SRCSD shown on the Sacramento County General Plan. SRCSD will provide ultimate conveyance and treatment of the sewer generated from this site, but the Sacramento City Utilities Department's approval will be required for local sewage service.
5. Improvements to the property may require payment of SRCSD sewer impact fees. Applicant should contact the Fee Quote Desk at 876-6100 for sewer impact fee information.

.....
The undersigned architect does not represent that these plans or the specifications in connection therewith are suitable, whether or not modified for any other site than the one for which they were specifically prepared. The architect disclaims responsibility for these plans and specifications if they are used in whole or in part at any other site.

The contractor shall verify and be responsible for all dimensions and conditions on the job and this office must be notified in writing of any variation from the dimensions and conditions shown by these drawings.

This drawing is not final or to be used for construction until signed by the architect and owner.

All drawings and written material appearing herein constitute the original and unpublished work of the Architect and the same may not be duplicated, used or disclosed without written consent of the Architect.



SITE PLAN

SCALE : 1/16" = 1'-0"

PARKING TABULATION

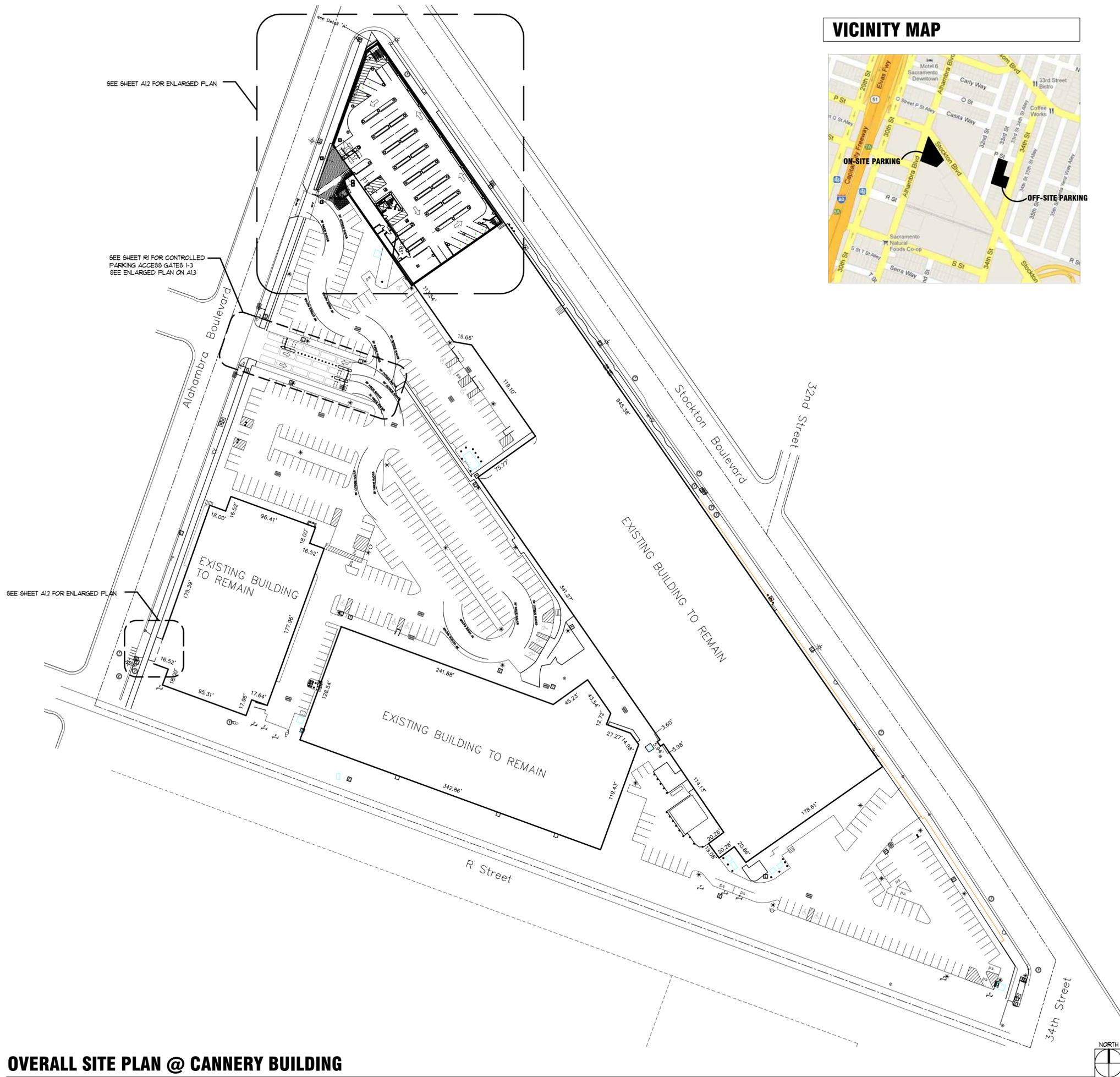
NUMBER OF FULL SIZED PARKING STALLS:	48
NUMBER OF COMPACT PARKING STALLS:	15
NUMBER OF ACCESSIBLE PARKING STALLS:	3
TOTAL NUMBER OF PARKING STALLS:	66
COMPACT PARKING STALL RATIO:	23%

KEYNOTES

- 1 CAR TURNING RADIUS BASED ON "COMPOSITE CAR" AS DENOTED IN ARCHITECTURAL GRAPHIC STANDARDS. 15'-6" INSIDE TURNING RADIUS AND 24'-0" OUTSIDE TURNING RADIUS. TYP.
- 2 NOT USED
- 3 NEW ACCESSIBLE PARKING STALL AND LOADING AISLE TYP.
- 4 NEW CONCRETE WHEEL STOP INSTALLED 2' FROM EDGE OF STALL. TYP
- 5 NOT USED
- 6 EXISTING CONCRETE PARKING SLAB
- 7 NEW FULL SIZED PARKING STALL, 8' WIDE BY 18' LONG. WHERE NOTED BY A BROKEN LINE FULL SIZED STALLS ARE 16' LONG W/ 2' VEHICLE OVERHANG. ENSURE MIN 26' CLEAR MANEUVERING SPACE BEHIND STALL. TYP
- 8 NEW FULL SIZED PARKING STALL AT 45 DEGREES TO THE DRIVE AISLE. 8' WIDE BY 15' LONG. ENSURE MIN 14' MANEUVERING SPACE BEHIND STALL. TYP
- 9 NEW COMPACT SIZED PARKING STALL AT 90 DEGREES TO THE DRIVE AISLE. 9' WIDE BY 16' LONG. ENSURE MIN 24' MANEUVERING SPACE BEHIND STALL. COMPACT STALLS DENOTED BY 'C'. TYP
- 10 EXISTING OFFICES TO REMAIN
- 11 NEW COVERED PARKING WITHIN EXISTING BUILDING. PROVIDE NECESSARY IMPROVEMENTS TO EXISTING CONCRETE SLAB TO ACCOMMODATE VEHICLE PARKING AND TRAFFIC. TYP.
- 12 VEHICLE ACCESS TO COVERED PARKING. CONTROLLED PER OWNER
- 13 EXISTING PUBLIC RIGHT OF WAY. TYP
- 14 NEW AND/OR MODIFICATIONS TO EXISTING CURB CUT TO ACCOMMODATE VEHICLE ACCESS TO PARKING LOT.

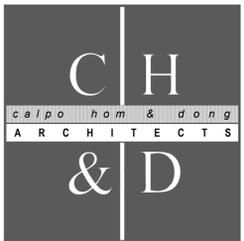
Architect	JC	
Drawn By	JC	
Revisions		
NO.	DATE	DESCRIPTION
△	10/10/12	PLANNING COMMENTS
△	8/23/12	CLIENT REVISION
--	8/2/12	CLIENT REVIEW
Job No.	12183	
Date	AUGUST 1, 2012	

drawing no.



OVERALL SITE PLAN @ CANNERY BUILDING

SCALE : 1/50" = 1'-0"



principals
 RUDY CALPO C 1 3 8 2 4
 ALAN C. HOM C 1 6 9 7 9
 DENNIS DONG C 1 2 1 6 3
 ANDY C. KWONG C 2 6 5 0 0
 LOANGLE R. NEWSOME C 2 2 0 4 8
 associates
 JOHN R. PETRUCELLI C 9 1 7 2
 KARIN RYLANDER C 2 3 8 3 6

2120 20TH STREET, SUITE ONE
 SACRAMENTO, CALIFORNIA 95816
 TEL. 916/446-7741 FAX 916/446-0457
 CONSULTANT

project
**THE CANNERY BLDG
 PARKING
 IMPROVEMENTS**

1671 ALHAMBRA BLVD (CANNERY BLDG.)
 & 1730 P STREET (OFF-SITE PARKING)
 SACRAMENTO, CA

sheet title
**ON-SITE OVERALL
 SITE PLAN**

The undersigned architect does not represent that these plans or the specifications in connection therewith are suitable, whether or not modified for any other site than the one for which they were specifically prepared. The architect disclaims responsibility for these plans and specifications if they are used in whole or in part at any other site.

The contractor shall verify and be responsible for all dimensions and conditions on the job and this office must be notified in writing of any variation from the dimensions and conditions shown by these drawings.

This drawing is not final or to be used for construction until signed by the architect and owner.

All drawings and written material appearing herein constitute the original and unpublished work of the Architect and the same may not be duplicated, used or disclosed without written consent of the Architect.

Architect
 Drawn By JC

Revisions		
NO.	DATE	DESCRIPTION
△	10/10/12	PLANNING COMMENTS
△	8/23/12	CLIENT REVISION
--	8/2/12	CLIENT REVIEW

Job No. 12183
 Date AUGUST 1, 2012

drawing no.

A1.1





Appeal Decision City of Sacramento Planning Commission

Date: 1/28/13

To the Planning Director:

I do hereby make application to appeal the decision of the City Planning Commission on 1/17/13 (date), for project number P 12-041.

<input checked="" type="checkbox"/>	Special Permit	for	<u>Stand-alone parking facility.</u>
<input type="checkbox"/>	Variance	for	_____
<input type="checkbox"/>	"R" Review	for	_____
<input type="checkbox"/>	Other	for	_____

Granted by the City Planning Commission
 Denied by the City Planning Commission

Property Location: 1708 34th Street & 3300 P Street

Grounds For Appeal: (explain in detail, you may attach additional pages)

Unsound Principles of Land Use, Not non-injurious; Incorrect application & consideration of 2030 General Plan; Non-conformance with Ordinance 2012-043; Unreasonably expansion of area parking supply in an area with over-supply of existing parking; Possible CEQA violation. Additional information is forthcoming, in accordance with attached correspondence with City Planning Associate, David Hung, on January 24th, 2013.

Appellant: Garride Francis Jones Daytime Phone: (949) 689-4745
(please print)

Address: 1550 33rd Street

Appellant's Signature: [Signature]

Please note that once this application is submitted to the City of Sacramento, your information may be subject to public record. However, please note that the City will not sell your data or information for any purposes.

THIS BOX FOR OFFICE USE ONLY	
Filing Fee Received: Applicant (\$1,192) _____	Or Third Party (\$298) <u>X</u>
Received By: <u>David Hung</u>	Date: <u>1-28-2013</u>
Distribute Copies to: Planning Director _____	
Zoning Administrator _____	Original & Receipt in File _____

Appeal of the Planning and Design Commission's Approval of the P12-041 Application

Filed by Garrick Jones, Resident of 1550 33rd Street

January 28th, 2012

I. Introduction and background

I appreciate the City of Sacramento City Council ("City Council") taking the time to carefully consider this appeal of the P12-041 application, an application for a Special Permit establish a Stand-Alone Parking Facility. The application was filed with the City of Sacramento ("City") by email on December, with a Planning Staff Report being issued and Planning and Design Commission hearing on the matter been held on January 17th, 2013.¹

I respectfully request that the City deny the request to allow the conversion of the Muzio Bakery site and adjacent Quonset huts ("Muzio Bakery property") into Stand-Alone Parking in P12-041.

Not only are there too many negatives with the P12-041, but there are just too many unknowns to arrive at an informed decision.

More importantly, the application does not conform to City Code or its general plan and must therefore be denied.

II. Observations Regarding Sacramento's Vision and Smart Growth Development

I love Sacramento. This is such a great city with such a fantastic sense of place – with wonderful architecture and flow, great businesses and developers, and creative infill and reuse projects. That great sense of place owes not only to the wonderful vision of

¹ In making the application under P12-041, the applicant withdrew its original application (Z12-101, which was an application for a Zoning Special Permit to allow off-site parking under separate ownership and attendant parking facilities) on December 10th after Z12-101 was approved on November 15th and appealed on November 26th.

the City's citizens and leaders – political, public planning and private development – but also their strength of conviction and fortitude to implement that vision. Without that vision and the strength to implement the vision, Sacramento would not be what it is.

I urge the City to step back and really think about what this building means and can mean to the larger community of Sacramento. Opportunities for the Muzio Bakery property to achieve its best and highest use are coming, now that we are emerging from the worst recession since The Great Depression. Let's step back and realize that this segment of East Sacramento has come a long way and is still developing, but to put a parking lot on the Muzio site would stop all of that development. The time for the Southern Alhambra neighborhood is now... just like the time for the Midtown revival was the 1990s and oughts.

The neighborhood is not against development of the Muzio site, outright. But the City is contemplating mothballing an historic building for short-term expediency without giving the community the benefits of an actual project that will continue the growth of business and commerce in the area. The economy is now making real strides. Let's give the Muzio building just a little more time to find its best and highest use before condemning it to a lifetime of unproductive parking services.

III. Observations and Facts of the Case

The following are observations and facts relevant to P12-041:

- The Muzio Bakery building was built in 1948 and is a well-known, historic landmark that is an expression of Sacramento's unique sense of place. Turning it into a parking lot sets the City back.
- The City recently revised its Parking Code to "reduce excessive off-street parking and free up land for more economically-productive uses."² To the extent that

² Ord. No. 2012-043, Ch. 17.64.010. After I appealed Z12-101, the applicant changed tack, withdrew its Zoning Administrator application and applied to the Planning and Design Commission for a Special Permit for Stand-Alone Parking – ostensibly because the City had amended its Parking Code in October by passing Ord. No. 2012-043. However, the City's new

there is excess parking in vicinity of The Cannery – which, as you will see, there is – the City would be contravening its own city code.

- Sacramento is not the only city in America that considers parking a necessary evil that must be minimized. For example, Wisconsin requires the following: “For all new development and redevelopment projects, minimize parking as a component of the overall use or mix of uses. Reduce or eliminate parking requirements where good transit options are available. As a city-wide initiative, couple parking area reductions with transit improvements over time.”³ This is evidence that approving a Special Permit for Stand-Alone in an area with excess parking lots cannot be consistent with sound land use principles.
- The Cannery currently has office tenants with 500 employees in total.⁴
- The Cannery has an existing agreement with a tenant who plans 300 additional employees, which means The Cannery will have 800 employees once the additions are made.⁵
- The Cannery has 685 parking spaces.⁶ Currently, about 60%-70% of those spaces are being used.⁷ The Cannery management does not know how many of the parkers currently using parking on its premises are folks with authorized access – i.e., folks who are employees and/or management of entities with

Parking Code is more restrictive of applications for parking-related Special Permits than the old code, as I will explain later.

³ City of Milwaukee Northeast Comprehensive Plan. Available: city.milwaukee.gov/ImageLibrary/Groups/cityDCD/planning/plans/Northeast/plan/NECh3.pdf

⁴ Statement of the applicant made in its presentation to the Planning and Design Commission hearing on January 17th.

⁵ Statement of the applicant made in its presentation to the Planning and Design Commission hearing on January 17th.

⁶ Statement of the applicant made in its application and presentation to the Planning and Design Commission hearing on January 17th.

⁷ Visual inspection at 10:30 a.m. on December 17, 2012 showed 52% (334 of 640 available surface spaces) were used. I am using 60%-70% to be conservative and given the applicant the benefit of any doubt. I also noted these numbers in my comments to the Planning and Design Commission made before the January 17th hearing; no party disputed them.

leasing agreements with The Cannery.

Moreover, UC Davis—the tenant for which The Cannery says it is searching for parking—is using its currently-reserved space allotment in the front of the building at a rate of 37% (52 spaces used out of 156 reserved spaces).⁸

- Therefore, if the spaces continue to be used at the rate of 60%-70% with 800 employees, the Cannery would require somewhere between 110 and 170 extra spaces. And that's at most—only if the current rate of use (i.e., 60%-70%) by authorized parkers is accurate. But we already know that The Cannery still doesn't know how many of the current parkers on its property are authorized to park there, which at the very least makes this application premature.
- The Cannery is requesting a Special Permit in P12-041 for a Stand-Alone Parking Facilities to obtain 66 spaces.
- But, there are other vacant parking options in the close vicinity of The Cannery.
- First, Sutter Medical Plaza, just across Stockton Blvd from The Cannery, has 370 parking spaces, which means that the combined parking capacity on that corner comes to 1,055 parking spaces. At least, 280 of the 370 spaces (75%) of the Sutter Medical Plaza spaces are unused on any given day.⁹
- The Cannery claims to have reached out to Sutter Medical Plaza management to obtain parking rights, but had not “heard back from the Sutter” as of the hearing on January 17th.
- Second, there is an existing public parking structure under the CapCity Freeway that is of similar distance from The Cannery as is the Muzio property (5-minute walk vs. 3-minute walk¹⁰) that costs \$95/month parking. It has 670 parking

⁸ Statement of the applicant made in its presentation to the Planning and Design Commission hearing on January 17th.

⁹ I counted the used and unused spaces at Sutter Medical Plaza on Monday, December 17, 2012 at 11 a.m. and found 79% were unused. These values were uncontested by any party prior to and during the January 17th, 2013 hearing.

¹⁰ According to Google.

spaces, of which between 268 (40%) and 335 (50%) go unused on any typical business day.¹¹

- Other parking possibilities besides those at Sutter Medical Plaza and under the CapCity Freeway may exist, as well.
- So, there are a minimum of 550 vacant parking places within a five-minute walk of The Cannery every day of the week. These are spaces the applicant must have missed when it “scoured” the neighborhood¹² for parking alternatives other than the proposed Muzio conversion.
- The 66 spaces that the conversion of the Muzio property to parking would generate represents just 12% of the empty spaces I’ve identified (i.e., the 550 empty at Sutter Medical Plaza and under the CapCity freeway on any given weekday).
- The Cannery is a 4-minute walk from the 29th Street Light Rail Station.¹³ If the City is serious about encouraging alternatives modes of transportation, The Cannery would seem the ideal candidate. Any approval of parking on the Muzio site would contravene the City’s expressed goals and policies regarding parking and its effect on transit use.
- The Cannery claims to be both implementing and contemplating implementing various parking management strategies, including pay for parking, ride sharing programs, etc. However, the Cannery upon being questioned at the hearing did not know how efficacious such measures might be, rendering the condemning of the Muzio property to parking premature, at best.

¹¹ I have entered and observed the parking structure three times at various times during business hours (9:30 a.m. on Thursday, January 24th, 2013; 3:30 p.m. on Wednesday, January 30th, and 11 a.m. on Friday, February 1st, all weekdays).

¹² The applicant’s representative claimed to have “scoured” the neighborhood for other options at the November 26th Zoning Administrator’s hearing.

¹³ According to Google.

- City Planning Staff replied at the January 17th, 2013 hearing for P12-041, when asked by a Planning and Design Commission commissioner about whether a vacant building could be considered to be a better and higher use than the conversion of the Muzio property to a parking lot, that the decision had to be made on policy grounds rather than legal grounds, and that their opinion was that a parking use was better than a vacancy. Parking is not a better use than vacancy, as this document clearly illustrates.
- Most importantly, eight Planning and Design Commission commissioners expressed at least some doubt about the merits of approving the Special Permit application, and five ended up voting to deny the Special Permit. After about an hour of Commission commentary and debate with many commissioners expressing doubt about the merits of the application, one of the commissioners stated: “This is a case where we have two willing participants; who are we to stand in their way.” It was at that point that the Commission Chair called for a vote, which yielded an 8-5 decision to approve the Special Permit application.

The only conclusion to be drawn from this sequence of events is that the Commission made its decision to approve the application based on the weakest of standards: the “two willing participant” standard. I provided more than sufficient evidence and reason in my appeal of Z12-101 and my comments before the hearing for P12-041 for the Commission to deny this application – or at least issue a continuance¹⁴. The Commission’s vote to approve the application on the basis of a “two willing participants” standard in the face of that evidence illustrates clearly that the Commission has misadjudicated this case.

More broadly, the use of the “two willing participants” standard calls into question the Special Permit process and even the very existence of the Planning and Design Commission as an institution. Fortunately, the City has set the bar

¹⁴ In fact, the Commission’s Vice Chair contemplated moving for a continuance to see whether the issues could be further fleshed out, but ultimately declined to do so.

for the granting of a Special Permit higher than whether there are two willing participants.

IV. The Special Permit Process

City Code Chapter 17.212.010 requires:

A special permit is a zoning instrument used primarily to review the location, site development, or conduct of certain land uses. These are uses which generally have a distinct impact on the area in which they are located, or are capable of creating special problems for bordering properties unless given special attention. A special permit may be granted at the discretion of the zoning administrator, planning and design commission or city council and is not the automatic right of any applicant. In considering an application for a special permit, the following guidelines shall be observed:

- A. **Sound Principles of Land Use.** A **special permit** shall be granted upon sound principles of land use.
- B. **Not Injurious.** A **special permit** shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a nuisance.
- C. **Must Relate to a Plan.** A **special permit** use must **comply with the objectives of the general or specific plan** for the area in which it is to be located. (Ord. 2012-005 § 83; Ord. 99-015 § 7-5-A)¹⁵

Furthermore, the City also states:

...decision-makers must explain their decision with findings. Such findings explain why the decision-maker decided that the permit is or is not justified under the circumstances.¹⁶

As I noted above in Section II, the Commission – the *decision makers* – justified its decision to approve the application for Special Permit by making the finding that this is a case of “two willing participants with whom the City must not interfere.”

Fortunately, the City has set the bar for the granting of a Special Permit higher than the standard that, “there are two willing participants.” That City’s codified standard for

¹⁵ Chapter 17.212.010. Emphasis added.

¹⁶ City of Sacramento. Available: www.cityofsacramento.org/dsd/planning/entitlements/special-permits.cfm. Emphasis added.

vetting Special Permit applications comes in the form of Chapter 17.212.010, just quoted above. As I clearly illustrated in my written comments to the Commission preceding the hearing for P12-041, the application falls well short of satisfying the requirements of Chapter 17.212.010.

I'll review the reasons it falls short, but first several important considerations:

- There are more than just “two willing participants.” We are all participants. We all live in Sacramento, generally, and some of us live in this particular neighborhood. It is all of us who are investors, not just the “two willing participants.” There are homeowners who have invested in the neighborhood. There are commercial real estate owners who have invested in the neighborhood. There are business owners who have invested in the neighborhood. We are all affected – all injured – when the City allows parking-only facilities at variance with the zoning designation without duly considering the consequences of an over-abundance of parking, which this area already has. We are all injured when the bad idea of mothballing an historic building to parking in the face of the very real abundance of existing parking is permitted.
- A vacant building, while not ideal, represents a higher and better use than parking at this moment in time because it preserves the option – and the very real possibility – of continued smart growth in East Sacramento.
- This area is doing some really neat things. One only has to look at the progress of the Folsom/34th Street/N Street Corridor; the new multi-story, multi-use property on S Street and Alhambra Blvd. across from the Sacramento Co-op; and the beautiful newly face-lifted and leased commercial property directly across the street from the Muzio property. In fact, a well-conceived commercial project at the Muzio site could serve as a bookend to the Guild Theater (Mayor Kevin Johnson’s property on Broadway and 34th) property that currently has the last Redevelopment Agency-funded project going in the ground. The proposed addition of a parking-only project in a building as distinctive and full of potential as Muzio, would only serve to derail what is a really, really good thing we’ve got

going here in our neighborhood, which can only serve to improve Sacramento's appeal and stature, generally.

It is important, therefore, to step back from the specifics of P12-041 and consider the past and continuing progress of not only the neighborhood surrounding the Muzio, but Sacramento as a whole.

- Why do we have parking underneath the freeway if we are not going to use it? It is important to step back from this specific proposal and consider parking in the area surrounding area in a comprehensive, rather than, piecemeal fashion. There are more than 1,000 parking spaces on the corner of Alhambra and Stockton blvds., alone. There are 670 additional spaces under the freeway. In fact, one of the great benefits of having an elevated freeway through Sacramento is increased land availability, which affords ample parking space. Certainly, we can avoid mothballing an historic building by using the space under the freeway, which the City has so wisely designated as parking.
- Yes, the Muzio Bakery property has been empty since September 9th, 2008, but one must consider that banks have frozen access to capital and commercial real estate has followed the housing market into the dumps for the majority of the intervening four years. Doing something with the site like parking, just to do something, because the site is "underutilized," is not the vision Sacramento expressed 2030 General Plan.
Most all would agree that the economy is improving and credit is loosening; we cannot and must not use the experience of four years of a down economy and down commercial market to determine what the next four (or ten in the case of this application) will hold for commercial development. In other words, just because the Muzio property has been vacant during the worst economic downturn since The Great Depression is no reason to believe it will remain vacant and that parking is the only thing that will work there.
- The Cannery is an ideal location at which to promote the use of transportation alternatives, such as Light Rail. The 29th Street Light Rail Station is one block from the Cannery. One will not find a better location in Sacramento to

encourage Light Rail use than The Cannery. Providing even more parking will negate the policy goal of promoting alternative transportation and negate it on one of the best locations in Sacramento for contributing to that goal.

- Finally, the City has placed a 10-year time limit in order to “preclude possible future redevelopment.” Although it may seem like a reasonable measure to reduce the possibility of the Muzio Bakery property becoming permanent parking, a ten-year time limit is effectively a death knell for the Muzio property.
 - Ten years is long enough build the type of neighborhood, institutional, and cultural inertia that would likely leave people referring to the “Muzio Parking Plaza” well beyond 10 years, rather than contemplating how to put the property to higher use.
 - By the time 10 years pass, it is very possible that we will be at the bottom of the next recession, with low retail demand and unwilling lenders. The time to get this building redeveloped in a positive fashion is now: the recession is subsiding, interest rates are historically low.
 - The City has not addressed the potential hazardous materials issues – from things such as dripping oil, antifreeze, coolant, etc. – once the 10 years have lapsed and the next use wants to convert the building back to commercial use.

With this context I will show that the Planning and Design Commission’s decision to approve P12-041 does not satisfy the requirements of the Chapter 17.212.010 of City Code.

V. Determination of Conformance with City Code, Chapter 17.212.010 (the Requirements for a Special Permit)

A. Sound Land Use Principles

Parking is a fixed cost—i.e., overhead cost—of doing business as a community, just as the space devoted to roads and freeways is a cost to the community; just as police and fire services are costs to the community. These are all legitimate costs of running a successful and robust community. However, they are all cost that must be considered carefully, nonetheless, precisely because too much of any necessity – whether its parking, roads, police or fire – is a negative when it is paid in situations of oversupply.

For its part, Sacramento made clear that it understands the drain that excess supply of parking can represent when it revised its Parking Code to “reduce excessive off-street parking and free up land for more economically-productive uses.”¹⁷

As such, “Sound Land Use” must include the “Principle” that the amount of land devoted to parking in Sacramento needs to be considered carefully. Too little parking will hinder current economic activity. But too much parking will needlessly foreclose upon the possibility of increased economic activity and the sense of place that Sacramento has and continues to strive for and achieve. The over-supply of parking is effectively dead weight, in other words. This is the situation that we face as the City contemplates approving the application to mothball Muzio to parking.

I am not suggesting that the City force The Cannery to enter into a parking agreement with Sutter or the operator of the garage under the freeway. However, the conclusion is inescapable: because the City has already approved enough parking facilities in the surrounding area – all within a five-minute walk from The Cannery – the conversion of the historic Muzio Bakery site from a commercial building to a Stand-Alone Parking Facility forecloses on the City’s adaptive reuse and Smart Growth goals. It is also very much contrary to Sound Land Use Principles. As such, Chapter 17.212.010 of the City Code, which requires the City to follow Sound Land Use Principles, requires the City to deny application P12-041.

Finally, Staff observes that a conversion of the Muzio Bakery property to parking utilizes vacant buildings, and concludes partly on that basis that the application represents the use of Sound Land Use Principles. Land use decisions must not be made in a vacuum; the buildings have been vacant during the worst economic downturn since the Great Depression. The City cannot be short-sited and take the first available offer, when higher and better uses have been rumored to be coming very soon. Sound Land Use Principles dictate that the City must encourage adaptive reuse, not an oversupply of parking, even if Muzio has been vacant for a few years. If anything, Sound Land Use Principles would acknowledge the depth of the recession and be mindful of the

¹⁷ Ord. No. 2012-043, Ch. 17.64.010.

advantages of an improving economy and low-interest environment to find an appropriate use for their property.

B. Non-injurious

A project shall not be granted if it will be detrimental to the public welfare, or results in the creation of a nuisance. I've already shown that parking is inherently a cost to a community, especially if it is created in an area that already has – as this area does – excess parking. Therefore, there is no conclusion other than that this application is NOT non-injurious, and the City must deny it.

C. General Plan

Planning Staff includes the following Land Use Policy from the 2030 General Plan in support of its recommendation in P12-041.

- ***Policy LU 2.1.6 Neighborhood Enhancement.*** The City shall promote infill development, redevelopment, rehabilitation, and reuse efforts that contribute positively (e.g., architectural design) to existing neighborhoods and surrounding areas.¹⁸

Staff then concludes,

Staff believes that the project is a viable reuse of existing commercial structures that have been underutilized. The parking facilities will be a compatible use with the adjacent residential and commercial uses and while maintaining the quality of the neighborhood. Furthermore, Staff has placed a 10-year term limit on the project which does not preclude possible future redevelopment of the site.

As to the first, *Policy LU 2.1.6 Neighborhood Enhancement*, it's difficult to see how a parking-only project would "contribute positively...to the existing neighborhoods and surrounding areas." In fact, *Policy LU 2.1.6* serves as basis under which the Commission should deny P12-041. *Neighborhood Enhancement* is the last thing one thinks about when contemplating condemning a readily-recognizable, historical

¹⁸ Staff also included *Goal LU 6.1 Corridors.*, which addresses the development of major circulation corridors, but I showed in my comments to the Planning and Design Commission that its inclusion had no bearing one way or the other on this application.

building to a life of parking. This is especially true when ample parking already exists in the area.

As for the “underutilization” reasoning, a vacant building, while not ideal, represents a higher and better use than parking at this moment in time because it preserves the option – and the very real possibility – of continued smart growth in East Sacramento.

Other General Plan policies and goals that the Commission should consider are:

- LU 1.1.5 Infill Development: The City shall **promote** and provide incentives (e.g., focused infill planning, zoning, revised regulations, provision of infrastructure) for infill development, redevelopment, mining reuse, and growth in existing urbanized areas to enhance community character, optimize City investments in infrastructure and community facilities, support increased transit use, promote pedestrian- and bicycle-friendly neighborhoods, increased housing diversity, ensure integrity of historic districts, and enhance retail viability.¹⁹

This application is contrary to much of LU 1.1.5 Infill Development. But it directly contradicts the City’s requirement to promote infill development that optimizes City investments in infrastructure and community facilities. I’ve shown that there is already a surfeit of parking closer to The Cannery than the Muzio property. Therefore, the only conclusion to make is that approving parking at Muzio contradicts the requirement that the infill development optimize investments in infrastructure and community investments. The approval would waste land and condemn a great, historic building.

Still-more General Plan goals and policies that would be contradicted if the City were to approve this application, include:

- **Goal LU 2.4 City of Distinctive and Memorable Places.** Promote community design that produces a distinctive, high-quality built environment whose forms and character reflect Sacramento’s unique historic, environmental, and architectural context, and create memorable places that enrich community life.
- **Goal LU 2.6 City Sustained and Renewed.** Promote sustainable development and land use practices in both new development and redevelopment that provide for the transformation of Sacramento into a sustainable urban city while preserving choices (e.g., where to live, work, and recreate) for future generations.

¹⁹ Emphasis added.

- **LU 2.6.2 Redevelopment and Revitalization Strategies.** The City shall employ a range of strategies to promote revitalization of distressed, under-utilized, and/or transitioning areas.
- **LU 4.4.6 Mix of Uses.** The City shall encourage the vertical and horizontal integration of a complementary mix of commercial, service and other nonresidential uses that address the needs of families and other household types living in urban neighborhoods. Such uses may include daycare and school facilities, retail and services, and parks, plazas, and open spaces.

This application does not “enrich community life”; “provide for the transformation of Sacramento into a sustainable urban city while preserving choices for future generations”; “promote revitalization of distressed, under-utilized, and/or transitioning areas;”²⁰ or “encourage the...integration of a complementary mix of commercial, service and other nonresidential uses that address the needs of families and other household types living in urban neighborhoods.” Instead it approves parking in an area with ample parking, which we’ve already established is a negative and, therefore, cannot support the 2030 General Plan goals and policies and must be denied.

VI. Consideration of other Chapters of City Code

A. Chapter 17.64 Parking Regulations

As I stated in Footnote 1 (on p. 1), the applicant relied on the “recent City Code Amendments to the City’s Parking Regulations,” or Ordinance 2012-043, which enacted changes to City Code, Chapter 17.64. However, P12-041 does not conform to the new Parking Regulations.

1. 17.64.010 Purpose

In fact, and what is curious, is that the new Parking Regulations are actually more restrictive of a project of this nature than the Parking Regulations it replaced. Specifically, the new Parking Regulations (under 17.64.010 Purpose) now state the following:

²⁰ Emphasis added.

Off-street parking requirements are based on the needs of the community and consider the context of the neighborhood, transit availability, on-street parking availability, density and mix of uses, walkability, and the use of alternative modes of transportation. Parking requirements are designed to accommodate average day-to-day demand, as opposed to peak demand, in order to reduce excessive off-street parking and free up land for more economically-productive uses. It is also the purpose of this chapter to provide flexibility and allow alternative means of addressing parking demand.²¹

This statement was absent from Chapter 17.64 Parking Regulations before December 28, 2012, when the applicant originally filed.

The proposal to condemn the Muzio Bakery property to parking for 10 years (and probably longer, given the inertia that usually develops around incumbent uses) does not conform in letter or spirit with City's goals regarding parking, as codified in the statement above.

- P12-041 considers only the perceived but unproven parking needs of The Cannery office property.
- P12-041 does not adequately consider:
 - The needs of the larger community and the context of the community, including surrounding residents commercial concerns, which include:
 - Access to prime commercial development land and buildings, now that we are coming out of the worst economic recession since 1929.
 - Continuing positive development.
 - The nature of the adjacent residential neighborhood.
 - Transit availability. In fact, Staff's Report does not mention the 29th Street Light Rail Station.

²¹ Ord. No. 2012-043, Ch. 17.64.010.

- There is no mention in Staff’s Report of whether The Cannery owner is calculating its parking needs based on peak or average demand.
- The economic cost of land devoted to parking for the project specifically and the area, including the Sutter Medical center and the unrestricted street parking on 32nd Street, etc., does not appear to be considered.

2. 17.64.060 Stand-alone parking facilities

The specific section under which the Muzio Stand-Alone Parking Facility has been proposed has not been adequately explained.

Specifically, 17.64.060 states:

In considering a special permit for a stand-alone parking facility, the planning and design commission shall consider the potential impact that the additional parking spaces might have on commute patterns and the use of single-occupancy vehicles.

These requirements were not stated or addressed in the Planning Report, and the Planning and Design Commission did not address at the January 17th hearing.

Although the Planning Report states that it will require the applicant to educate (or direct) parkers to avoid driving through the residential neighborhood to the north of the site, the Report does not formally recognize or study the impact that the failure on the part of parkers to abide by the direction might have.

Also, the Planning Report does not mention any consideration that extra parking might have on the level of single-occupancy vehicles.

The City, however, must consider both of these in good faith, but it does not appear that it has enough information at the moment to make such determinations.

VII. Joint Duties of Commissioners/Staff

Before concluding, I must return to this notion that “we” have “two willing participants” so “we” – i.e., the Commission – must approve this application. Again, this comment was spoken by more than one Commissioner and was the final comment made before the Planning and Design Commission commenced with the voting in P12-

041. This line of reasoning for approving a project directly contravenes the Commission's *Rules of Procedure*²². The Rules of Procedure state:

A. Joint Duties of Commissioners/Staff

(1) *City Planning and Design Commission members ("Commissioners") and City Staff shall conduct the business of the City Planning and Design Commission:*

(a) *recognizing that stewardship of the public interest must be of primary concern;*

(b) *working for the common good of the people of Sacramento; and*

(c) *assuring fair and equal treatment of all persons and actions coming before the City Planning and Design Commission.*

It is self-evident that the "two willing participants" standard that the Commission appears to have used to ignore the evidence before it and approve the application. This is one more reason that the City must vote to adopt this appeal and overturn the Planning and Design Commission's approval of the P12-041 application.

VIII. Conclusion

Thank you for taking the time to carefully consider the issues with this proposal. As you can see, I passionately believe that this application does not serve this community or Sacramento, generally, especially given the abundant, existing parking already available very close to The Cannery. The foregoing clearly shows that the City must deny this application.

²² Adopted on July 12, 2012.