

**Meeting Date:** 5/20/2014

**Report Type:** Consent

**Report ID:** 2014-00277

**Title: (Pass For Publication) 2031 3rd Street Rezone**

**Location:** District 4

**Recommendation:** 1) Review a) a Resolution determining the 2031 3rd Street Rezone project exempt from review under the California Environmental Quality Act, b) an Ordinance rezoning approximately 0.07 acres from the Multi-Unit (R-3A) Zone to the General Commercial (C-2) Zone, and c) a Site Plan and Design Review for deviations to the outdoor open space standards for residential units; and 2) pass for publication the Ordinance title as required by Sacramento City Charter 32c to be considered on May 27, 2014.

**Contact:** Antonio Ablog, Associate Planner, (916) 808-7702; Stacia Cosgrove, Principal Planner, (916) 808-7110, Community Development Department

**Presenter:** None

**Department:** Community Development Dept

**Division:** Planning

**Dept ID:** 21001221

**Attachments:**

- 01-Description/Analysis
- 02-Background Information
- 03-Land Use Map
- 04-Planning and Design Commission Record of Decision
- 05-CEQA Resolution
- 06-Ordinance - Rezone
- 07-Exhibit A - Rezone
- 08-Project Resolution
- 09-Exhibit A - Site Plan
- 10-Exhibit B - Proposed Floor Plan 1st Floor
- 11-Exhibit C - Proposed Floor Plan 2nd Floor
- 12-Exhibit D - Perspective Views

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**City Attorney Review**

Approved as to Form  
Jeffrey Heeren  
4/24/2014 8:50:47 AM

**Approvals/Acknowledgements**

Department Director or Designee: Max Fernandez - 4/14/2014 1:35:05 PM

## Description/Analysis

**Issue Detail:** The applicant is seeking approval of a Rezone to change the zone a 0.07-acre parcel from Multi-Family (R-3A) zone to the General Commercial (C-2) Zone and a Site Plan and Design review to waive the open space requirements for a multi-family residential development. There are two existing two-story buildings on the site which contain a total of three residential units and a vacant commercial space on the ground floor. Until recently, the residential units had been occupied; now, only one of the current units is occupied. The commercial, at one time, had occupied approximately 1,500 square feet on the ground floor of the larger building. This space has been vacant long enough that commercial use cannot be re-established as commercial uses are not allowed in the R-3A zone. The applicant is proposing to reconfigure the interior of the building in order to accommodate six units ranging from a 315 square foot studio apartment to a 750 square foot two bedroom unit and to allow a small 300 square foot commercial space that can operate as a live/work studio. Approval of the requested entitlements would allow the applicant to add three units to the existing development and allow the applicant to re-establish commercial uses on the site.

On March 13, the requested entitlements were heard by the Planning and Design Commission. The Planning and Design Commission voted to forward the requested entitlements to City Council with an additional condition addressing bicycle parking.

### Policy Considerations: General Plan

2030 General Plan. The 2030 General Plan Update was adopted by City Council on March 3, 2009. The 2030 General Plan's goals, policies, and implementation programs define a roadmap to achieving Sacramento's vision to be the most livable city in America. The 2030 General Plan designation of the subject site is Traditional Neighborhood Medium Density which provides for higher-intensity medium-density housing and neighborhood-support uses that includes multi-family dwellings and limited neighborhood-serving commercial on lots two acres or less. The 2030 General Plan has identified goals and policies under the Land Use and Urban Design Element. Some of the goals and policies supported by this project are:

- *Land Use and Urban Design Element (Policy LU 2.1.1)* Recognizing that Sacramento's neighborhoods are the basic living environments that make-up the city's urban fabric, the City shall strive through its planning and urban design to preserve and enhance their distinctiveness, identity, and livability from the downtown core to well integrated new growth areas.
- *Land Use and Urban Design Element (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.
- *Land Use and Urban Design Element (Goal LU 4.1)* Neighborhoods. Promote the development and preservation of neighborhoods that provide a variety of housing types, densities, and designs and a mix of uses and services that address the diverse needs of Sacramento residents of all ages, socio-economic groups, and abilities.
- *Land Use and Urban Design Element (Policy LU 4.1.2)* Neighborhood Amenities. The City shall encourage appropriately scaled community-supportive facilities and services within all neighborhoods to enhance neighborhood identity and provide convenient access within walking and biking distance of city residents.

- *Land Use and Urban Design Element (Policy LU 4.3.1)* Traditional Neighborhood Protection. The City shall protect the pattern and character of Sacramento's unique traditional neighborhoods, including the street-grid pattern, architectural styles, tree canopy, and access to public transit, neighborhood services and amenities.
- *Historical and Cultural Resources (Policy HCR 2.1.16)* The City shall review and evaluate proposed preservation projects and development projects involving Landmark parcels and parcels within Historic Districts based on adopted criteria and standards.
- *Housing Element (Goal H-4)* Preserve, maintain and rehabilitate existing housing to ensure neighborhood livability and promote housing affordability.

In the context of the Central City, there is typically a mix of densities and uses in each neighborhood. Staff finds that rezoning this site is not out of character with the densities in the existing neighborhood. Given that the site is very small, the uses have historically existed on the site, and that mixed-use development is encouraged by the General Plan, staff supports the request. The floor area ratio (FAR) of the project is consistent with the General Plan designation. The project would rezone the property to allow the reuse an existing structure that will contribute positively to its surroundings by providing three additional residential units and offering goods and services to meet the daily needs of the neighborhood.

Central City Community Plan. The policies contained in the community plan are organized to mirror the structure of the citywide General Plan elements. They are intended to supplement, not repeat, citywide policies contained in Part 2 of the General Plan:

- **Mixed-Use Buildings.** The City shall provide the opportunity for mixture of housing with other uses in the same building or on the same site at selected locations to capitalize on the advantages of close-in living. (CC.H 1.1)

The proposal allows the preservation of an existing structure within the Southside Park Historic District to continue to be used as a mixed-use building. The proposed project will enhance the quality and vitality of the neighborhood.

**Environmental Considerations:** The Community Development Department, Environmental Planning Services Division has reviewed this project and determined that it is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301, Existing Structures. The project consists of the rezone of a parcel that would allow three additional residential units and the re-establishment of a commercial use. There will be no increase to the size of the existing structures and negligible or no expansion of use. No unusual circumstances are present that could lead to a significant effect, and cumulative effects have been evaluated in the Master environmental impact report (EIR) certified in connection with the adoption of the 2030 General Plan.

**Commission/Committee Action:** On March 13, 2014, the requested entitlements were heard by the Planning and Design Commission. There was one member of the public who spoke on concerns related to parking. Additionally, staff presented a packet of public comments with comments mainly related to parking and project density. One of the letters was submitted by a neighboring property owner who presented additional concerns such as noise from new air conditioner units and privacy concerns. With a unanimous vote (13:0), the Planning and Design Commission voted to

forward the requested entitlements to the City Council with a recommendation for approval with a recommended condition to provide additional secured bicycle parking on the site.

**Rationale for Recommendation:** The 2031 3<sup>rd</sup> Street Rezone project has been reviewed objectively with consideration of General Plan and Community Plan policies, Zoning and Development Code development standards, comments received from public, and the proposed conditions of approval. Staff believes that the project meets policies and goals of the General Plan to provide a variety of housing types, densities, and designs; and a mix of uses and services that will be an asset to neighborhoods. Staff's recommendation of approval for the project was supported by the Planning and Design Commission who voted unanimously to forward the project to the City Council with a positive recommendation. Staff continues to support the project request based on the Findings of Fact and subject to the Conditions of Approval as found in the attached project resolution (Attachment 8)

**Financial Considerations:** The applicant is incurring all costs for the proposed 2031 3<sup>rd</sup> Street Rezone Project

**Local Business Enterprise:** Not applicable.

**Background Information:** The subject site is occupied by a pair of two story buildings. The larger building, 2031 3<sup>rd</sup> Street, is located at the corner of 3<sup>rd</sup> Street and U Street. It houses the former commercial space which has a corner entry. The ground floor has been historically used for both commercial and residential uses. The upper floor has been occupied by residential uses. The second building, 305 U Street, is located to the rear of the larger building. It is a smaller structure with a garage on the ground floor and residential space on the second floor. The smaller of the two buildings appears to be the oldest, built on the property around the early 20<sup>th</sup> century. The larger building was a later addition to the site. A records search in the City archives uncovered building permits showing the occurrence of both commercial and residential uses on this property; therefore, the building has historically been used as a mixed-use structure. The subject property is in the South Side Historic District, but is not listed as a landmark structure.

The subject structures currently contain three units. One of the units, the second floor unit above the garage, is currently undergoing a renovation. The commercial space has been vacant for some time. The requested Rezone is required to increase the number of units on site and will facilitate reestablishing the historic mixed-use development on the site.

**Public/Neighborhood Outreach and Comments:** Early project notices were sent to various community groups including the Southside Park Neighborhood Association, the Sacramento Old City Association, and Walk Sacramento and Public Hearing notifications were also sent to all property owners within 300 feet of the subject property. In response to these notices, staff received several letters from property owners and residents in the immediate vicinity. These letters were forwarded to the Planning Commission for consideration. The letters expressed concerns related to commercial uses, parking, housing density, and privacy.

*Privacy:* Related to privacy, staff heard from a neighboring resident that the proposed project would allow new ground floor units that would negatively impact the privacy of the adjacent property. The applicant plans to respond to this concern by constructing a solid wood fence between the two properties. Additionally, two of the ground floor units will be adjacent to the public streets and will provide opportunities for both passive and active surveillance of 3<sup>rd</sup> and U Streets.

*Commercial Uses:* Regarding commercial uses, the commercial space which had occupied as much as 1,500 square feet of the ground floor of the large building will be reduced to 300 square feet and has been designed to operate as a live/work studio. The C-2 zone allows a number of uses by right such as retail, office, and commercial services. Staff does not believe that the space is viable for a use that will have a noticeable impact on the surrounding properties. Furthermore, uses such as a stand-alone liquor store, for example, would require a Conditional Use Permit and any expansion of the site would require Site Plan and Design Review.

*Parking:* A number of the comments submitted to staff indicated that parking in the area is already impacted and the proposed Rezone and resulting units would exacerbate the

parking problems. The project proposes three additional residential units and the re-establishment of a commercial use. The Commercial use is exempt from parking regulations per section 17.608.020 (G) and (I) of the Planning and Development code (exemptions for nonresidential uses on small lots and in mixed-use development). The six residential units will require six parking spaces. The adjacent streets are posted 1-hour parking except for those with a valid residential permit. Staff has been to the site on several occasions at different times of the day. T Street has been observed to have more cars parked on the street, but there generally has been adequate on-street parking. The parking on 3<sup>rd</sup> street appears to be less impacted with staff noticing more parking available on 3<sup>rd</sup> street within the vicinity of the project.

The applicant proposes to rehabilitate the interior garage spaces to provide three parking spaces on the project site. One commenter noted that the garage was too small to accommodate three vehicle spaces. The applicant intends to renovate the garage in order to provide three spaces that are 20 feet deep and nearly eight feet wide. This is roughly the size of a standard parking space.

The applicant is waiving the remaining three required spaces through an Administrative Parking Permit which allows on-street parking spaces adjacent to the subject site to count towards required parking. Planning staff has surveyed the site and has confirmed that the property has adequate frontage to accommodate three on-street parking spaces. The property has enough frontage to qualify for the waiver of four required parking spaces. Additionally, the applicant accepted a condition proposed by the Planning and Design Commission to provide two additional enclosed bicycle parking spaces.

The reconfiguration of the building interior will result in a reduction of commercial space and creation of a live/work unit. This will reduce the project's potential impact on parking in the neighborhood. Additionally, the project site is within close proximity to centers of employment and the property may appeal to potential residents who do not own a vehicle or do not use a vehicle on a daily basis.

*Density:* Staff heard concerns that the proposed rezone would allow densities beyond what is typical of the southside park neighborhood and would set precedent for future projects requesting higher densities. The project proposal results in six dwelling units on 0.07 acres. The resulting density is 82 dwelling units per acre. While this density is higher than that of the immediate neighborhood, the Commission felt that the resulting density was appropriate as the project would only add three dwelling units at the edge of the neighborhood. The Commission did not believe that recommending approval for the project would set a precedent for higher density as each project is considered on its own merits and the Commission's decision was based on re-establishing the mixed-use nature of the building and providing additional dwelling units through internal modifications to existing buildings.

## **Project Design:**

## **Rezone**

The project proposes to rezone a 0.07-acre parcel from Multi-Family (R-3A) zone to the General Commercial (C-2) Zone. The C-2 zone would be consistent with the existing C-2 zoned properties on the west side of 3<sup>rd</sup> street opposite the project site. Mixed-use projects in the C-2 zone must comply with the maximum 1.5 FAR established by the General Plan. This project is consistent with those requirements. The C-2 zone permits a range of commercial uses but still requires a Conditional Use Permit for uses that have a potential to negatively affect neighboring properties such as a drive-through or auto sales. Furthermore, the project is in the South Side Historic District and any significant changes to the existing building would require preservation review.

The existing two-story buildings on the site contain three residential units. Two units are in the larger corner building with the third unit in the building to the rear. A total of two units are legally allowed on this site within the R-3A zone based on the minimum land area of 1,200 square feet per unit for the zone. Therefore, the third unit has been nonconforming for many years. The ground floor commercial was also nonconforming, since the R-3A zone does not allow commercial uses. Nonconforming uses may not be discontinued for more than one year or the nonconforming status expires. Since the commercial uses have been discontinued for more than one year, it is determined that commercial is no longer a legal use on the site.

Rezoning the property to C-2 will allow the three additional units and allow re-establishment of the prior commercial use. The Rezone is consistent with the following findings:

1. The rezone is consistent with the general plan land use designation of Traditional Neighborhood Medium Density, use, and development standards; the goals, policies, and other provisions of the general plan; and the Central City Community Plan; and
2. The rezone promotes the public health, safety, convenience, and welfare of the city by providing additional residential opportunities without significant impacts to the surrounding land uses.

Staff believes that a C-2 zoned property at this location will be compatible with the adjacent neighborhood since there are existing multi-family residential uses and neighborhood-serving commercial uses nearby. The proposed uses are consistent with the General Plan Designation and the Central City Community Plan.

## **Site and Building Design**

The current site includes a vacant commercial space and three residential units. The commercial space is on the ground floor of the larger building. The proposed changes all occur within the existing building. No new floor area is being added. The new building design reduces the commercial space to a size that will be viable as a live/work space. The unit count will increase, but the units will be smaller and will include studio and

single-bedroom options. Additionally, two of the ground floor units will be adjacent to the public streets that will provide opportunities for both passive and active surveillance of 3<sup>rd</sup> and U Streets.

Access and Circulation: The subject site is located at the northeast corner of 3<sup>rd</sup> Street and U Street. Both streets allow two-way traffic and on-street parking is allowed on both sides of each street. Existing sidewalk and curb are found on both frontages. The smaller building to the rear contains three garage spaces with access via a short driveway on U Street.

Parking Requirement: The site is located in the Traditional Parking District. This district requires one parking space per dwelling unit and one parking space for every 500 square feet of commercial/retail use. There are exceptions to the parking requirement for nonresidential uses on lots less than 6,400 square feet and nonresidential uses that are part of a residential mixed use project. The applicant proposes to rehabilitate the existing garage to accommodate three garage spaces on the project site. Three additional parking spaces are required for the three new units and to re-establish the commercial use.

<b>Table 2: Vehicular Parking</b>			
<b>Use</b>	<b>Required Parking – Traditional District</b>	<b>Proposed Parking</b>	<b>Difference</b>
Multi-Unit Residential	6	3	3
Retail/Commercial	0	0	0
<b>Total</b>	6	3	3

Staff reviewed the parking requirements for the project and determined that the project was eligible for a staff level Administrative Parking Permit. The Administrative Parking Permit allows the utilization of on-street parking to fulfill the parking requirements. Both 3<sup>rd</sup> Street and U Street adjacent to the project site are posted 1 hour parking except for those with a valid residential parking permit. Staff reviewed the Administrative Parking Permit (IR14-033) and determined that there are four available on-street parking spaces adjacent to the subject site. These spaces exceed the number required to meet the parking requirements.

Height, Bulk and Setbacks: The existing building is non-conforming to current zoning regulations for lot coverage, interior side, street side and rear yard setbacks for multi-family dwellings. Since the project is not proposing any changes to the lot coverage, setback and height, it does not require the approval of entitlements to deviate from the subject development standards.

Open Space Requirement: The Planning and Development Code requires 100 square feet of open space per unit for new multi-unit dwellings. This requirement would apply to

the three additional units proposed. The current building only has 60 square feet of private open space in the form of a covered porch. The applicant is unable to alter the building to accommodate the 300 square feet of required open space and is requesting Site Plan and Design Review for a deviation to the Planning and Development code to waive this requirement.

It is not unusual for multi-family units in the area to have no private or common open space and be built out to the property lines. Enforcing the requirement to provide the required open space would necessitate major modifications to the buildings. Such modifications could result in a building out of scale with the surrounding uses. Waiving this requirement does not negatively affect any of the surrounding properties. The Site Plan and Design Review is subject to the following findings:

1. The design, layout, and physical characteristics of the mixed-use project is consistent with the general plan; and
2. The design, layout, and physical characteristics of the mixed-use project is consistent with all applicable design guidelines and with all applicable development standards; and
3. All streets and other public access ways and facilities, parking facilities, and utility infrastructure are adequate to serve the mixed-use project and comply with all applicable design guidelines and development standards; and
4. The design, layout, and physical characteristics of the residential units are visually and functionally compatible with the surrounding neighborhood; and
5. The design, layout, and physical characteristics of the residential units ensure energy consumption is minimized and use of renewable energy sources is encouraged; and
6. The design, layout, and physical characteristics of the residential units are not detrimental to the public health, safety, convenience, or welfare of persons residing, working, visiting, or recreating in the surrounding neighborhood and will not result in the creation of a nuisance.

Building Design and Landscaping: The applicant is proposing to reconfigure the interior of the existing building to allow additional residential units and a commercial use. The applicant does not propose any exterior modifications with this application. All proposed modifications will be interior. The existing commercial space will be reduced to approximately 300 square feet. The following table provides a breakdown of the proposed space.

<b>Table 3: Unit Count</b>			
	<b>Unit</b>	<b>Bedrooms</b>	<b>Area</b>

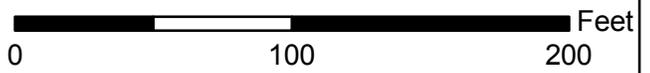
Building A – Larger Building	Commercial	n/a	291
	2	2	720
	3	Studio	390
	4	2	676
	5	2	673
Building B – Smaller Building	1	1	384
	6	2	735

**Preservation Review:** The subject site is located in the South Side Historic District. There are no exterior modifications proposed with this application. The applicant is requesting a Deviation from the Site Plan and Design Review development standards to avoid exterior modifications to the building. Should it be found that exterior modifications are needed to complete the interior building modifications, the modifications shall be subject to Preservation review.

**Recommendation:** The Commission voted unanimously to forward a recommendation of approval to the City Council for the requested entitlements based on the findings in Attachment 1. The project meets policies and goals of the General Plan to provide a variety of housing types, densities, and designs and a mix of uses and services that will be an asset to the neighborhood.



# P13-058 2031 3rd Street Rezone Land Use Map





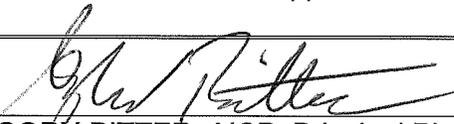
**CITY OF SACRAMENTO PLANNING AND DESIGN COMMISSION  
RECORD OF DECISION**

300 Richards Boulevard, Sacramento, CA 95811

Project Name:	2031 3 <sup>rd</sup> Street Rezone		
Project Number:	P13-058		
Project Location:	2031 3 <sup>rd</sup> Street		
Assessor's Parcel No.:	009-0111-018		
Applicant:	Darryl Chinn, Darryl Chinn Architects. 2612 J Street #2, Sacramento, CA 95816		
Action Status:	Forwarded to City Council with Recommendation for Approval	Action Date:	March 14, 2014

**REQUESTED ENTITLEMENT(S):** **Item A: Environmental Determination:** Exempt per CEQA Guidelines Section 15301 (Existing Facilities); **Item B: Rezone** of approximately 0.07 acres from Multi-Unit (R-3A) zone to the General Commercial (C-2) zone; **Item C: Site Plan and Design Review** for deviations to the outdoor open space standards for residential units.

**ACTIONS TAKEN:** On March 13, 2014 the Planning and Design Commission took the following actions based on the attached findings of fact and subject to the attached conditions of approval: Forwarded to City Council with Recommendation for Approval entitlements A through C.

**Action certified by:**   
GREGORY BITTER, AICP, Principal Planner

Sent to Applicant: March 14, 2014 By:   
ANTONIO ABLOG, Associate Planner

**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

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 (SCC18.24.710); Jacinto Creek Planning Area Facilities Fee (SCC18.28.150); 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**

Appeals of the Planning And Design Commission decision of this item to the City Council must be filed at 300 Richards Boulevard, 3rd Floor, within 10 calendar days of this meeting, on or before March 24, 2013. If the 10<sup>th</sup> day falls on a Sunday or holiday, the appeal may be filed on the following business day.

### **Findings of Fact 2031 3<sup>rd</sup> Street Rezone (P13-058) 2031 3<sup>rd</sup> Street, Sacramento, CA 95818**

- A. The Planning and Design Commission has reviewed and considered the information contained in the **CEQA Exemption** in making the recommendations set forth in Attachment 1.
- B. The Planning and Design Commission recommends approval and forwards to the City Council the **Rezoning** for the Project as set forth in Attachment 2.
- C. The Planning and Design Commission recommends approval and forwards to the City Council the **Site Plan and Design Review** for deviations to the outdoor open space standards for residential units as set forth in Attachment 3.

**Attachment 1: Exemption – Findings – Draft Resolution**

**RESOLUTION NO.**

Adopted by the Sacramento City Council

**DETERMINING PROJECT EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (P13-058)**

**BACKGROUND**

A. On March 13, 2014 the City Planning Commission conducted a public hearing on, and forwarded to the City Council, a recommendation to approve the 2031 3<sup>rd</sup> Street Rezone.

B. On \_\_\_\_\_, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.812.030 (A) and (B) (publication, posting, and mail (300 feet)), and received and considered evidence concerning the 2031 3<sup>rd</sup> Street Rezone 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 from review under Section 15301, Existing Facilities, of the California Environmental Quality Act Guidelines as follows:

The project consists of the rezone of a parcel with an existing building. The rezone will allow three additional residential units and the re-establishment of a previous commercial use with no expansion of the existing building.

**Attachment 2: Rezone – Draft Ordinance**

**ORDINANCE NO.**

Adopted by the Sacramento City Council

**AMENDING TITLE 17 OF THE SACRAMENTO CITY CODE (THE PLANNING AND DEVELOPMENT CODE) BY REZONING CERTAIN REAL PROPERTY FROM MULTI-FAMILY (R-3A) ZONE TO GENERAL COMMERCIAL (C-2) ZONE (2031 3<sup>RD</sup> STREET) (P13-058) (APN: 009-0111-018)**

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

Section 1. Title 17 of the Sacramento City Code (the Planning and Development Code) is amended by rezoning the property shown in the attached Exhibit A, generally described, known, and referred to as 2031 3rd Street (APN: 009-0111-018) and consisting of 0.07 acres, from Multi-Family (R-3A) zone To General Commercial (C-2) zone.

Section 2. Rezoning of the property shown in the attached exhibit, by the adoption of this Ordinance, will be considered to be in compliance with the requirements for the rezoning of property described in the Planning and Development Code, as amended, as those procedures have been affected by recent court decisions.

Section 3. Rezoning of the property shown in the attached exhibit, by the adoption of this Ordinance is consistent with the following findings of fact:

1. The rezoning or is consistent with the general plan land use designation of Traditional Neighborhood Medium Density, use, and development standards; the goals, policies, and other provisions of the general plan; and the Central City Community Plan; and
2. The rezone promotes the public health, safety, convenience, and welfare of the city by providing additional residential opportunities without significant impacts to the surrounding land uses. Rezoning the subject property to the C-2 Zone will be compatible with the adjacent neighborhood as there are existing multi-family residential uses and neighborhood-serving commercial uses nearby. The proposed uses are consistent with the General Plan Designation and the Central City Community Plan.

Section 3. The City Clerk of the City of Sacramento is directed to amend the official zoning maps, which are part of the Planning and Development Code, to conform to the provisions of this Ordinance.

**Existing**



APN: 009-0111-018  
Area: 0.07 Acres  
Existing Zone: R-3A

**Proposed**



APN: 009-0111-018  
Area: 0.07 Acres  
Proposed Zone: C-2

2031 3<sup>rd</sup> Street Rezone

Exhibit A: Rezone

**Attachment 3: Draft Project Resolution**

**RESOLUTION NO.**

Adopted by the Sacramento City Council

**ADOPTING FINDINGS OF FACT AND APPROVING THE 3<sup>RD</sup> STREET  
REZONE PROJECT'S SITE PLAN AND DESIGN REVIEW TO DEVIATE  
FROM THE MULTI FAMILY OPEN SPACE REQUIREMENTS 2031 3<sup>RD</sup>  
STREET) (P13-058) (APN: 009-0111-018)**

**BACKGROUND**

A. On March 13, 2014 the City Planning and Design Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the 3<sup>rd</sup> Street Rezone Project.

B. On, , \_\_\_\_ the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.812.030 (A) and (B) (publication, posting, and mail (300 feet)), and received and considered evidence concerning the 3<sup>rd</sup> Street Rezone Project.

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

Section 1. Based on the verbal and documentary evidence received at the hearing on the 3<sup>rd</sup> Street Rezone Project, the City Council approves the Project entitlements based on the findings of fact and subject to the conditions of approval as set forth below.

Section 2. The City Council approves the Project entitlements based on the following findings of fact:

**A. Environmental Determination:** The Project is exempt from review under Section 15301, Existing Facilities, of the California Environmental Quality Act Guidelines.

**B. Site Plan and Design Review:** The Site Plan and Design Review for deviations to the outdoor open space standards for residential units approved based on the following Findings of Fact:

1. The design, layout, and physical characteristics of the mixed use project is consistent with the general plan; and

2. The design, layout, and physical characteristics of the mixed use project is consistent with all applicable design guidelines and with all applicable development standards; and
3. All streets and other public access ways and facilities, parking facilities, and utility infrastructure are adequate to serve the mixed use project and comply with all applicable design guidelines and development standards; and
4. The design, layout, and physical characteristics of the residential units are visually and functionally compatible with the surrounding neighborhood; and
5. The design, layout, and physical characteristics of the residential units ensure energy consumption is minimized and use of renewable energy sources is encouraged; and
6. The design, layout, and physical characteristics of the residential units are not detrimental to the public health, safety, convenience, or welfare of persons residing, working, visiting, or recreating in the surrounding neighborhood and will not result in the creation a nuisance as there are other properties in the immediate area that have no private or common open space and are built out to the property lines. Furthermore, waiving this requirement does not negatively affect any of the surrounding properties.

Section 3. The City Council approves the Project entitlements subject to the following conditions of approval:

### **Planning**

- B1. The building footprint and elevations shall be in conformance with the attached plans, except as conditioned. Any modifications in the design, materials, or colors from this approval shall be submitted to the Current Planning Division for review and determination for further actions.
- B2. The applicant shall provide a minimum of two on-site, long-term bicycle parking spaces in the form of bicycle lockers or other enclosed storage.
- B3. The applicant shall obtain all necessary building permits prior to commencement of construction; any modification to the project shall be subject to review and approval by Planning staff (and may require additional entitlements) prior to the issuance of building permits.

Exhibit A – Site Plan

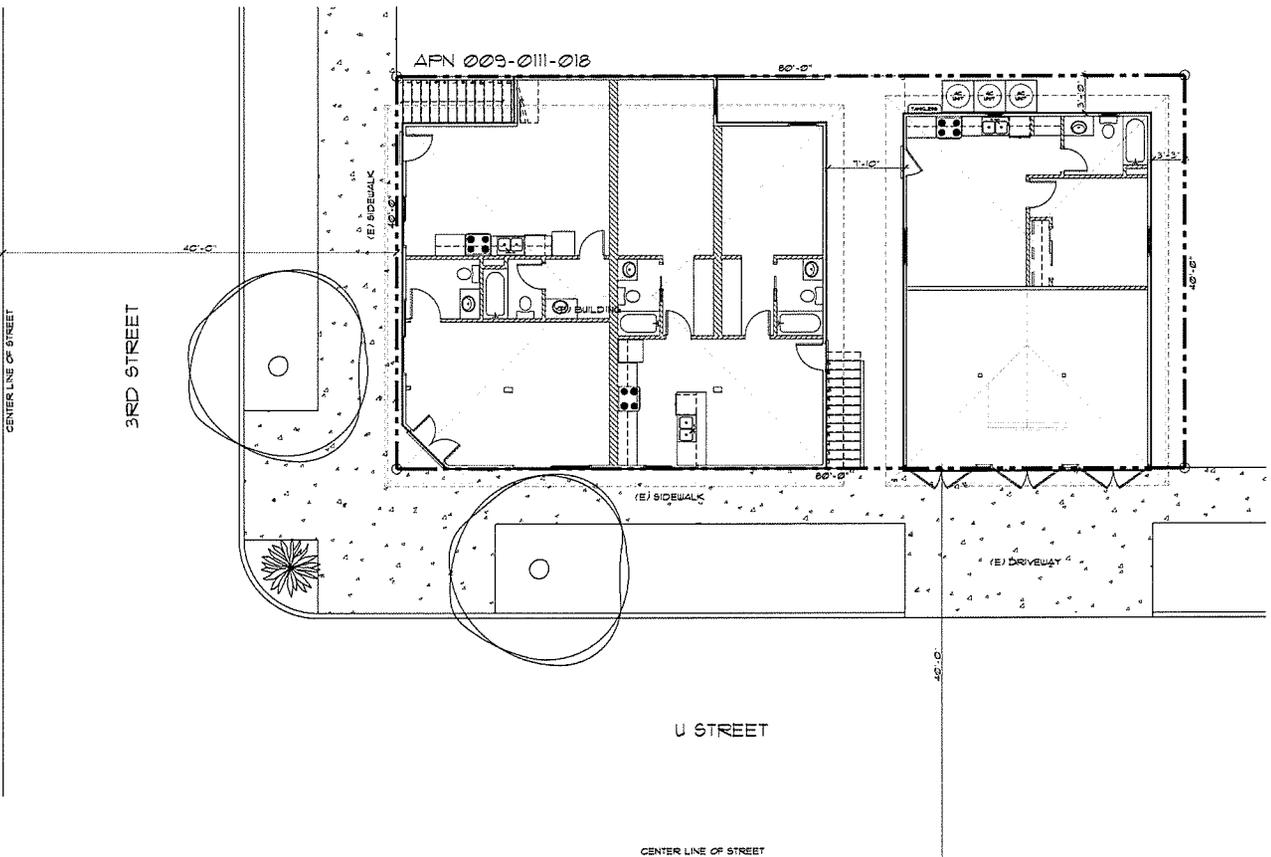
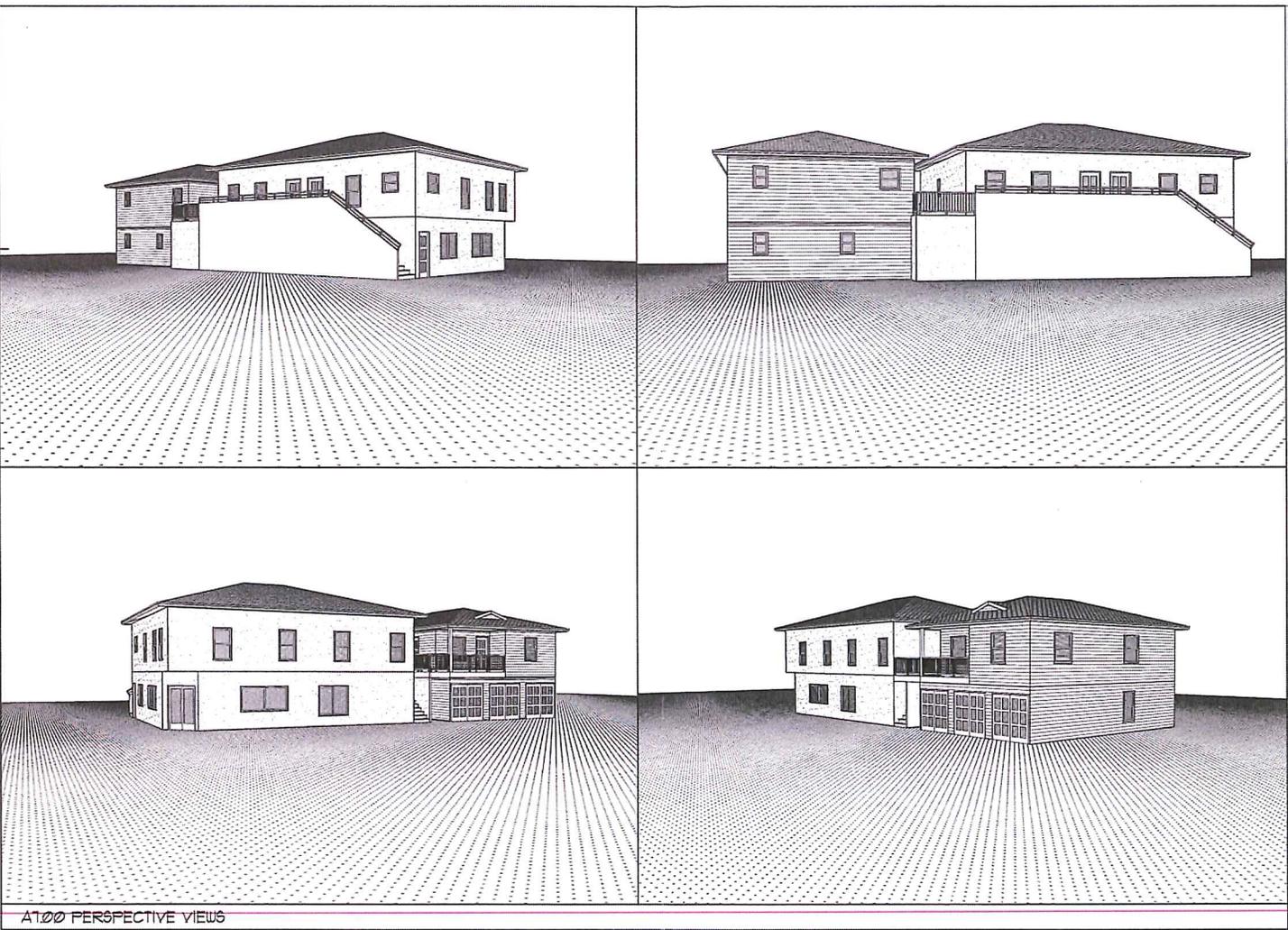






Exhibit D – Perspective Views

Architectural  
Darryl Chin AIA  
Architectural  
Architectural



A1.00 PERSPECTIVE VIEWS

## **RESOLUTION NO.**

Adopted by the Sacramento City Council

### **DETERMINING THE 2031 3<sup>RD</sup> STREET REZONE PROJECT EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (P13-058)**

#### **BACKGROUND**

A. On March 13, 2014 the City Planning Commission conducted a public hearing on, and forwarded to the City Council, a recommendation to approve the 2031 3<sup>rd</sup> Street Rezone.

B. On \_\_\_\_\_, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.812.030 (A) and (B) (publication, posting, and mail (300 feet)), and received and considered evidence concerning the 2031 3<sup>rd</sup> Street Rezone 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 from review under Section 15301, Existing Facilities, of the California Environmental Quality Act Guidelines as follows:

- A. The project consists of the rezone of a single parcel with existing buildings. The rezone will allow three additional residential units and the re-establishment of a previous commercial use with no expansion of the existing building.
- B. There are no unusual circumstances that could result in a significant effect.
- C. Any cumulative effects that could result from the action have been identified and evaluated in the Master environmental impact report (EIR) certified in connection with adoption of the 2030 General Plan.

## ORDINANCE NO.

Adopted by the Sacramento City Council

**AMENDING TITLE 17 OF THE SACRAMENTO CITY CODE (THE PLANNING AND DEVELOPMENT CODE) BY REZONING CERTAIN REAL PROPERTY FROM MULTI-FAMILY (R-3A) ZONE TO GENERAL COMMERCIAL (C-2) ZONE (P13-058)  
(2031 3<sup>RD</sup> STREET) (APN: 009-0111-018)**

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

Section 1. Title 17 of the Sacramento City Code (the Planning and Development Code) is amended by rezoning the property shown in the attached Exhibit A, generally described, known, and referred to as 2031 3rd Street (APN: 009-0111-018) and consisting of 0.07 acres, from Multi-Family (R-3A) zone To General Commercial (C-2) zone.

Section 2. Rezoning of the property shown in the attached exhibit, by the adoption of this Ordinance, will be considered to be in compliance with the requirements for the rezoning of property described in the Planning and Development Code, as amended, as those procedures have been affected by recent court decisions.

Section 3. Rezoning of the property shown in the attached exhibit, by the adoption of this Ordinance is consistent with the following findings of fact:

1. The rezoning or is consistent with the general plan land use designation of Traditional Neighborhood Medium Density, use, and development standards; the goals, policies, and other provisions of the general plan; and the Central City Community Plan; and
2. The rezone promotes the public health, safety, convenience, and welfare of the city by providing additional residential opportunities without significant impacts to the surrounding land uses. Rezoning the subject property to the C-2 Zone will be compatible with the adjacent neighborhood as there are existing multi-family residential uses and neighborhood-serving commercial uses nearby. The proposed uses are consistent with the General Plan Designation and the Central City Community Plan.

Section 3. The City Clerk of the City of Sacramento is directed to amend the official zoning maps, which are part of the Planning and Development Code, to conform to the provisions of this Ordinance.

**Existing**



APN: 009-0111-018  
Area: 0.07 Acres  
Existing Zone: R-3A

**Proposed**



APN: 009-0111-018  
Area: 0.07 Acres  
Proposed Zone: C-2

2031 3<sup>rd</sup> Street Rezone

## RESOLUTION NO.

Adopted by the Sacramento City Council

**ADOPTING FINDINGS OF FACT AND APPROVING THE 3<sup>RD</sup> STREET  
REZONE PROJECT'S SITE PLAN AND DESIGN REVIEW TO DEVIATE  
FROM THE MULTI-FAMILY OPEN SPACE REQUIREMENTS  
(P13-058)  
(2031 3<sup>RD</sup> STREET)(APN: 009-0111-018)**

### BACKGROUND

A. On March 13, 2014 the City Planning and Design Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the 3<sup>rd</sup> Street Rezone Project.

B. On \_\_\_\_, \_\_\_\_ the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.812.030 (A) and (B) (publication, posting, and mail (300 feet)), and received and considered evidence concerning the 3<sup>rd</sup> Street Rezone Project.

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

Section 1. Based on the verbal and documentary evidence received at the hearing on the 3<sup>rd</sup> Street Rezone Project, the City Council approves the Project entitlements based on the findings of fact and subject to the conditions of approval as set forth below.

Section 2. The City Council approves the Project entitlements based on the following findings of fact:

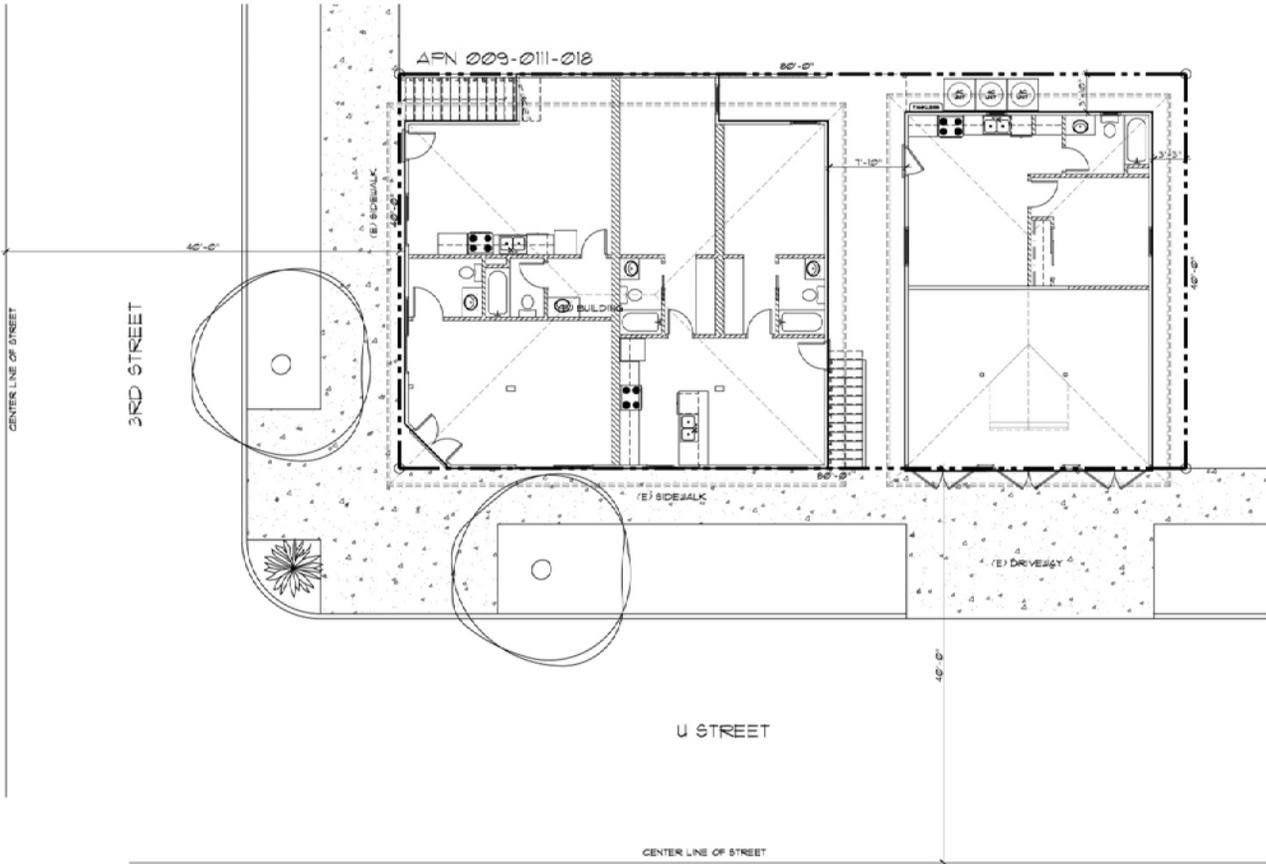
- A. Environmental Determination:** The Project is exempt from review under Section 15301, Existing Facilities, of the California Environmental Quality Act Guidelines.
- B. Site Plan and Design Review:** The Site Plan and Design Review for deviations to the outdoor open space standards for residential units approved based on the following Findings of Fact:
  - 1. The design, layout, and physical characteristics of the mixed-use project is consistent with the general plan; and

2. The design, layout, and physical characteristics of the mixed-use project is consistent with all applicable design guidelines and with all applicable development standards; and
3. All streets and other public access ways and facilities, parking facilities, and utility infrastructure are adequate to serve the mixed-use project and comply with all applicable design guidelines and development standards; and
4. The design, layout, and physical characteristics of the residential units are visually and functionally compatible with the surrounding neighborhood; and
5. The design, layout, and physical characteristics of the residential units ensure energy consumption is minimized and use of renewable energy sources is encouraged; and
6. The design, layout, and physical characteristics of the residential units are not detrimental to the public health, safety, convenience, or welfare of persons residing, working, visiting, or recreating in the surrounding neighborhood and will not result in the creation a nuisance as there are other properties in the immediate area that have no private or common open space and are built out to the property lines. Furthermore, waiving this requirement does not negatively affect any of the surrounding properties.

Section 3. The City Council approves the Project entitlements subject to the following conditions of approval:

### **Planning**

- B1. The building footprint and elevations shall be in conformance with the attached plans, except as conditioned. Any modifications in the design, materials, or colors from this approval shall be submitted to the Current Planning Division for review and determination for further actions.
- B2. The applicant shall provide a minimum of two on-site, long-term bicycle parking spaces in the form of bicycle lockers or other enclosed storage.
- B3. The applicant shall obtain all necessary building permits prior to commencement of construction; any modification to the project shall be subject to review and approval by Planning staff (and may require additional entitlements) prior to the issuance of building permits.



**Exhibit A – Site Plan**

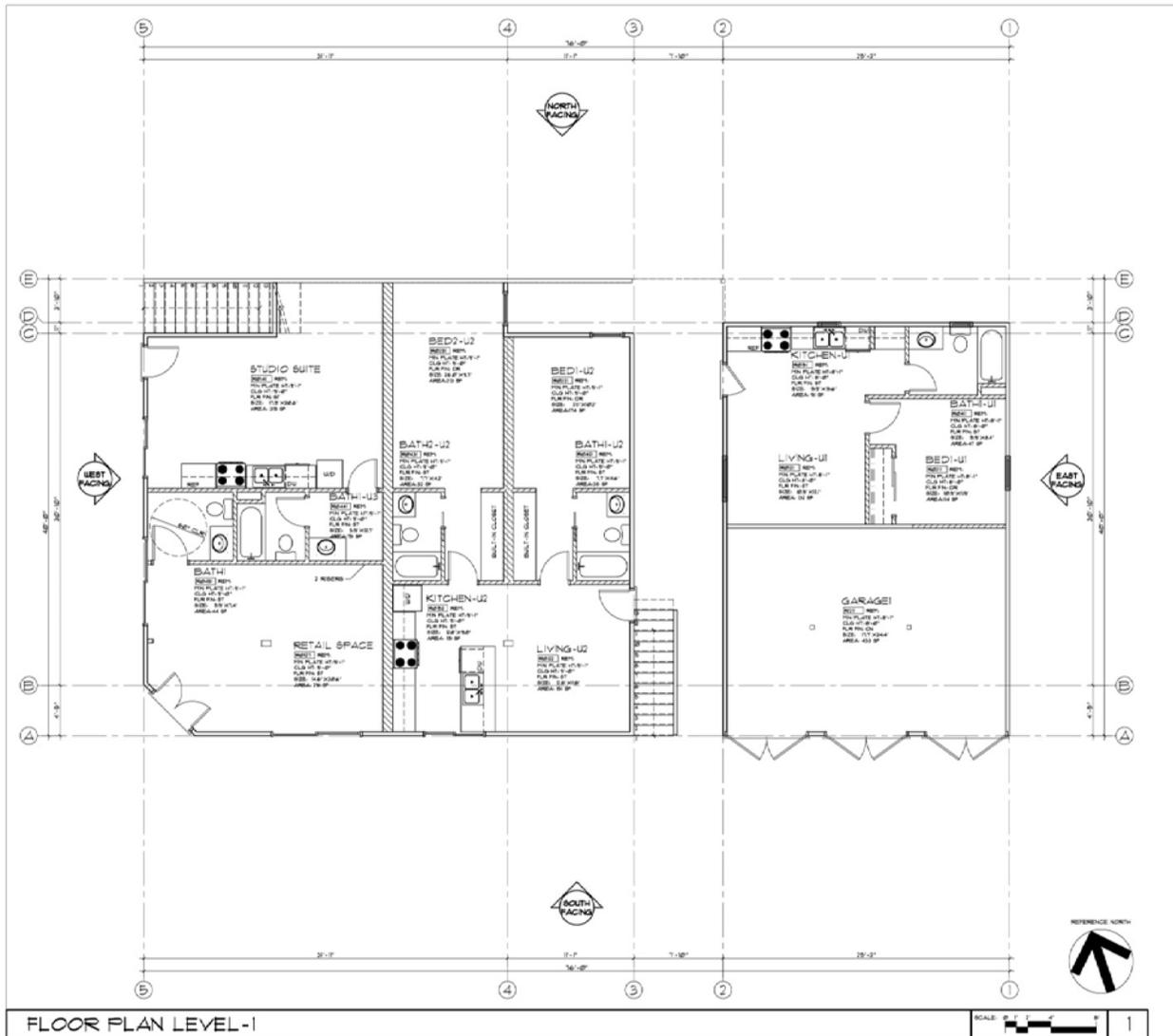


Exhibit B – Proposed Floor Plan 1<sup>st</sup> Floor

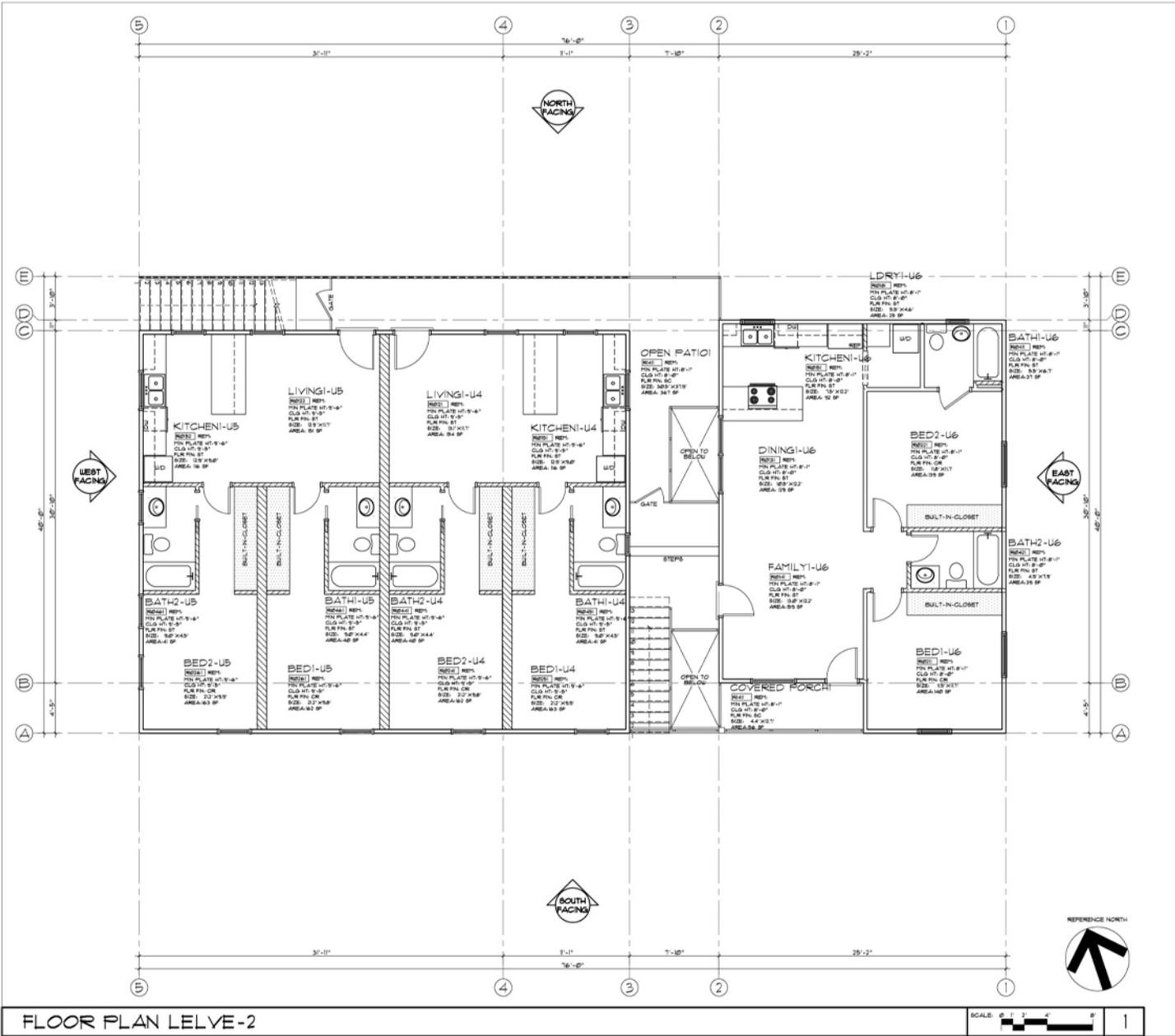


Exhibit C – Proposed Floor plan 2<sup>nd</sup> Floor



rhina arch  
ARCHITECTS  
2001 Chris AIA  
10000 10th St  
Boulder, CO 80501

Exhibit D – Perspective Views