

RESOLUTION NO. 2005-880

Adopted by the Sacramento City Council

December 6, 2005

GRANTING MICHAEL HELLER'S APPEAL OF THE VARIOUS ENTITLEMENTS FOR THE MARRS PROJECT LOCATED AT 1930 J STREET AND ADOPTING THE NOTICE OF DECISION AND FINDINGS OF FACT IN SUPPORT. (P05-086) (APN: 007-0083-003 AND 007-0085-016)

BACKGROUND

- A. On August 17, 2005, the Design Review Preservation Board approved the design of the proposed project;
- B. On October 27, 2005, the City Planning Commission denied the requested entitlements;
- C. On November 1, 2005, the decision of the City Planning Commission denying these entitlements was appealed by the applicant;
- D. On December 2, 2005, the applicant provided adequate off-site parking for the project resulting in a withdrawal of the request to waive parking; and
- E. On December 6, 2005, the City Council heard and considered evidence in the above-mentioned matter.

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

- Section 1. At the regular meeting of December 6, 2005, the City Council heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the City Council took the following actions for the location listed above:
- A. Approved the Applicant's Appeal of the Planning Commission's decision to deny various entitlements for the project known as the MARRS project.

These actions were made based upon the following findings of fact and subject to the following conditions:

Section 2. **FINDINGS OF FACT**

- A. Environmental Determination: The City Planning Commission finds that the project is Exempt pursuant to CEQA Section 15301.
- B-C. Special Permits to exceed the maximum 25% office use to 50% and to locate parking off-site for commercial uses: The **Special Permits** to exceed the maximum 25% office use to 50% and to locate parking off-site for commercial uses in the Heavy Commercial (C-4) zone are hereby approved based upon the following findings of fact:
1. Granting the Special Permits is based upon sound principles of land use in that the proposed use will not adversely affect the peace and general welfare of the surrounding commercial neighborhood, in that the project is designed to be pedestrian friendly and compatible with surrounding commercial uses;
 2. Granting the Special Permits would not be detrimental to the public welfare nor result in the creation of a public nuisance in that the project provides adequate parking for the commercial uses off-site for both daytime and evening hours; and
 3. The proposed project is consistent with the proposed City of Sacramento General Plan and Central City Community Plan designations, and the requirements of the Heavy Commercial (C-4) zone.

Section 3. **CONDITIONS OF APPROVAL**

- B. The **Special Permit** to exceed the maximum 25% office use to 50% in the C-4 zone is hereby **approved** subject to the following conditions of approval:

General:

- B1) The applicant shall obtain all necessary building permits prior to commencing construction.
- B2) The project shall comply with all Design Review conditions of approval (DR05-210).

Building

- B3) The applicant shall submit a building area analysis to show the building is compliant.
- B4) The restaurant areas shall have two exits per CBC Table 10-A.

Fire

- B5) Provide appropriate Knox access for the site.
- B6) Locate and identify Fire Department Connections (FDCs) on the address side of the building within 40 feet of a fire hydrant.

Utilities

- B7) The applicant is responsible for the protection and repair of the existing City water main under the building during construction on the structure. Contact Underground Service Alert at 1-800-642-2444, 48 hours before work is to begin.
- B8) This project is served by the Combined Sewer System (CSS). Therefore, the developer/property owner will be required to pay the Combined System Development Fee prior to the issuance of any building permit. The impact to the CSS due to increase in the estimated sewer flows by the conversion of 10,000 square feet of office to restaurant use is estimated to be 18 ESD. The Combined System fee at time of building permit is estimated to be \$1,890 plus any increases to the fee due to inflation and credit for existing sanitary sewer flows from the site. The fee will be used for improvements to the CSS.

Street Trees

- B9) Prior to the issuance of building permits a 6-foot chain link fence (or other fence acceptable to the City Arborist) shall be installed under the direction of the City Arborist (768-8604) around the city street trees. Orange plastic fencing is not acceptable for city trees. The fencing shall remain in place for the duration of the project except for the temporary removal required to install the seating wall replace existing curb, gutter, and sidewalk. The close proximity of the work around the street trees may not allow fencing. Therefore the trunks will be protected with tree wrap, and surface roots will be bridged with plywood. Dimensions will be contingent upon tree size and species.
- B10) The contractor shall hire an International Society of Arboriculture (ISA) certified arborist to do any root pruning. The arborist will also make weekly inspections to monitor these tree protection measures. The arborist will take any required action, i.e. supplemental irrigation, fertilization, and soil compaction remediation to ensure the health of the trees. In areas of dispute the City Arborist shall have final authority. Contractor will be responsible for any costs incurred.
- B11) No excavation for utilities, trenching, grade changes, storage of materials or parking of vehicles shall be allowed within the fenced area. Boring or hand trenching for utilities may be allowed inside the fenced area with

approval by the City Arborist and under the supervision of the project arborist. A true grade beam footing will be used for the seating wall around the trees.

B12) If during excavation for the project or for any necessary sidewalk, curb, gutter repair or driveway construction, tree roots greater than two inches in diameter are encountered, work shall stop immediately until project arborist can perform an on-site inspection. All roots shall be cut clean, and the tree affected may require supplemental irrigation/fertilization and pruning as a result of root pruning.

B13) The contractor shall be held liable for any damage to existing street trees, i.e. trunk wounds, broken limb, pouring of any deleterious materials, or washing out concrete under the drip line of the tree. Damages will be assessed using the "Guide to Plant Appraisal." ninth edition, published by the ISA. The project arborist will submit a report for review by the City Arborist.

B14) The 12-inch diameter evergreen pear (*Pyrus kawakamii*) and 3-inch diameter Bradford pear (*Pyrus calleryana*) have been approved for removal. The 3-inch tree will be replaced with a 24-inch box size tree. Mitigation for the 12-inch evergreen pear will be monetary compensation for the appraised tree value assessed using the "Guide for Plant Appraisal" ninth edition, published by the International Society of Arboriculture. The project arborist will appraise the tree and submit the appraisal for review and approval by the City Arborist. Prior to the issuance of the removal permit the applicant will provide a letter of credit for the tree value. If space is available, additional street trees can be installed; the applicant will receive a credit for the cost of the tree and installation.

B15) The trees to be saved and the protection methods noted above shall be identified on all building site plans for the project.

Development Engineering and Finance

B16) Except as noted in C-5, the applicant shall construct standard public improvements as noted in these conditions pursuant to section 18.04.020 of the City Code. Improvements shall be designed and constructed per City standards in place, or secured by City approved agreement, at the time that the Building Permit is issued. All improvements shall be designed and constructed to the satisfaction of the Development Engineering and Finance Division. Any public improvement not specifically noted in these conditions shall be designed and constructed to City standards.

B17) Repair or replace/reconstruct any existing deteriorated curb, gutter and sidewalk per City standards to the satisfaction of the Development

Engineering and Finance Division.

- B18) The site plan shall conform to A.D.A. requirements in all respects. This shall include the replacement of any curb ramp that does not meet current A.D.A. standards.
- B19) The applicant must enter into and record an Easement Agreement for Minimal Encroachments on City Right-of-Way with the City, in a form acceptable to the City Attorney and the Real Estate Division, in order to obtain an easement for the use of public right-of-way along the frontage of the subject site to allow for the placement of the proposed raised deck, landscaping, and other improvements as shown on the site plan dated June 17, 2005. Conditions of the agreement may include, but not limited to the following:
- A. The applicant shall provide clearance letters from each of the affected City departments / divisions, utility companies, and other interested entities / agencies as deemed necessary by the City. The applicant shall satisfy any conditions included as part of the clearance letters.
 - B. The easement for use of public right-of-way shall be in place for the duration of time in which the land use (restaurant w/ outdoor seating) exists. Upon a change in the land use from the proposed restaurant use, the City shall reserve the right to remove and/or re-evaluate the need for the easement.
 - C. Upon termination of the agreement, the applicant / owner(s) of the project site, shall remove the improvements located within the easement (i.e. – raised deck, cast seatwall, sculptures, etc.). The area of encroachment must be reconstructed to comply with City standards.
- B20) Prior to the issuance of building permits, the applicant shall provide sufficient proof that the above described Easement Agreement for encroachment into public right-of-way has been secured and recorded.
- B21) Prior to the issuance of certificate of occupancy, the applicant shall merge the existing parcels that cover the project site which creates the parcel boundary shown on the proposed site plan.
- B22) The design of walls, fences, signage, and landscaping near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited to 3.5' in height at maturity. The area of exclusion shall be determined by the Development Engineering and Finance Division.

B23) Revocable Encroachment Permits may be required for doors which open into the public right-of-way. Or, as an alternative, doors may be redesigned so as to not encroach into the right-of-way.

C. The **Special Permit** to provide off-site parking for commercial uses in the C-4 zone is hereby **approved** subject to the following conditions of approval:

General:

- C1) A total of fifty-nine (59) parking spaces shall be provided off-site for both daytime and evening hours. Any new land uses or modified uses may require additional parking and/or planning entitlements.
- C2) Seventeen (17) off-site parking spaces for the office use shall be provided at 2001 K Street for daytime hours.
- C3) Seventeen (17) off-site parking spaces shall be provided at 1116 20th Street for daytime hours.
- C4) Twenty-five (25) off-site parking spaces shall be provided at the following locations: 2200 J Street, 1800 K Street, 1708 J Street, 908 20th Street, and 811 20th Street for daytime hours.
- C5) A minimum of fifty-nine (59) off-site parking spaces for the retail and restaurant uses shall be provided through valet services at 2020 J Street for evening and weekend hours.
- C6) The applicant shall enter into a valet service agreement for the valet service parking lot at 2020 J Street. The applicant shall submit a valet service agreement that meets the industry standard.
- C7) Construct bulb-outs at the following locations:
 - Southwest corner of J Street and 20th Street
 - Northwest corner of K Street and 20th Street

The design and construction of the bulb-outs shall be subject to the approval of the City Traffic Engineer and to the satisfaction of the Development Engineering and Finance Division.

- C8) Indoor and outdoor bicycle parking facilities shall be provided on-site as shown on submitted plans.
- C9) Motorcycle parking on 20th Street shall be designed and constructed to the satisfaction of the Transportation and Development Services Departments.

C10) Shower facilities shall be provided in the lobby area as shown on submitted plans.

Advisory Comments:

1. Many projects in the City of Sacramento require on-site booster pumps for fire suppression and domestic water systems. Prior to design of the subject project, the Department of Utilities suggests that the applicant request a water supply test to determine what pressure and flows the surrounding public water distribution system can provide to the site. This information can then be used to assist the engineers in the design of the on-site fire suppression system.
2. The applicant shall obtain a Revocable Encroachment Permit for the proposed sidewalk cafes.

Table of Contents:

Exhibit 1A	Site Plan Exhibit
Exhibit 1B	Ground Floor Plan
Exhibit 1C	Second Floor Plan
Exhibit 1D	Building Elevations
Exhibit 1E	Outdoor Plaza Rendering

Adopted by the City of Sacramento City Council on December 6, 2005 by the following vote:

Ayes: Councilmembers Cohn, Hammond, McCarty, Pannell, Sheedy, Tretheway; Waters and Mayor Fargo.

Noes: None

Abstain: None

Absent: Councilmember Fong.

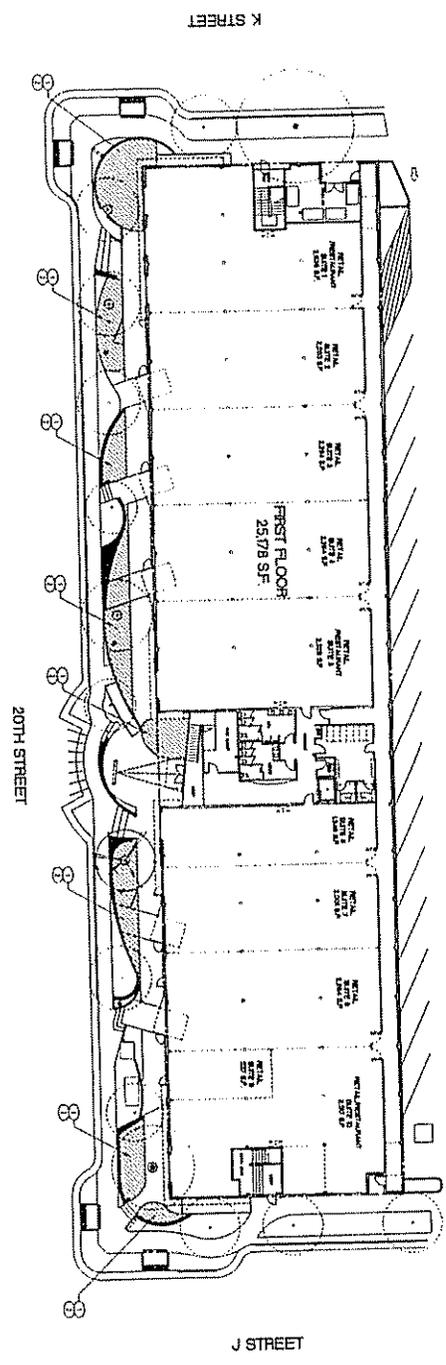


Mayor Heather Fargo

Attest:



Shirley Concolino, City Clerk



WATER SERVICE FIRST FLOOR PLAN
DATE: 07/17/05

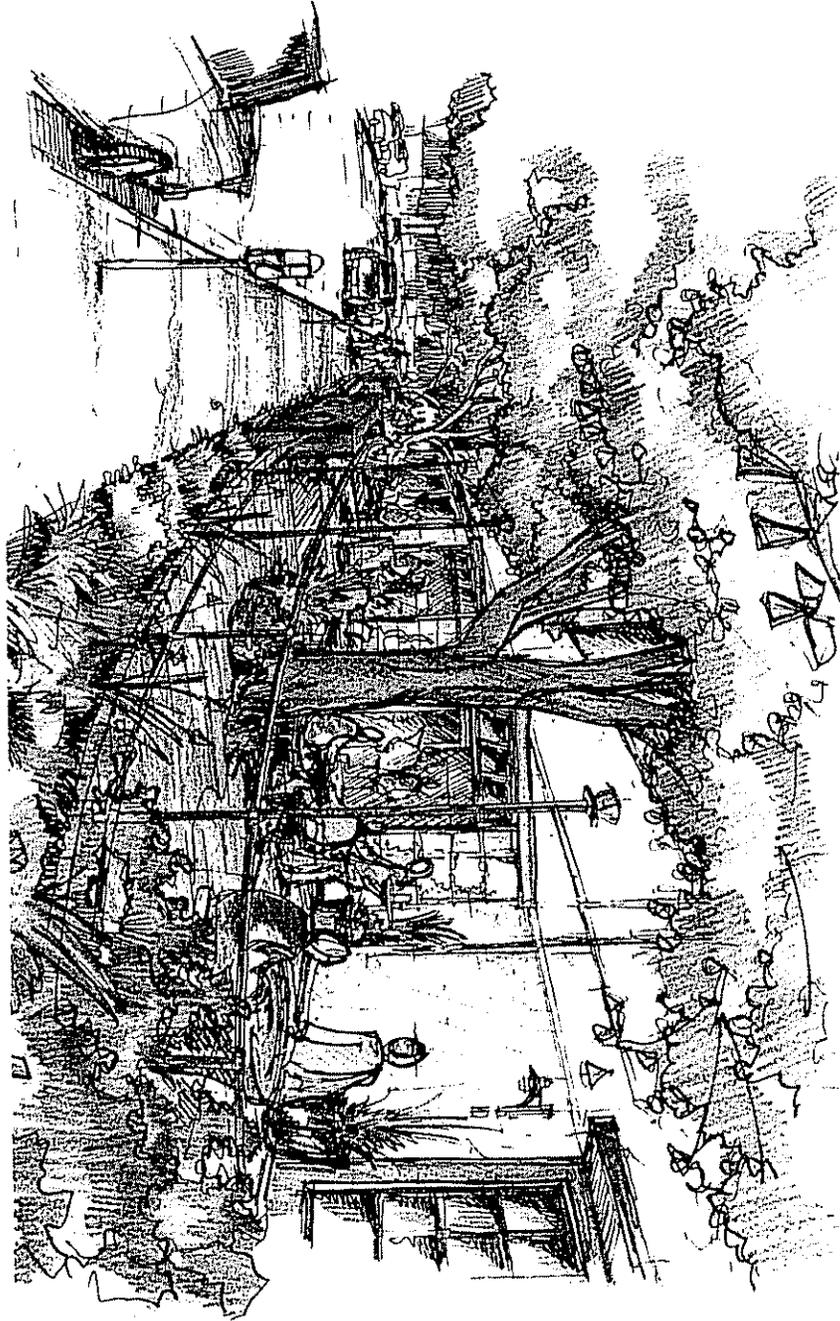
REMARKS:

- 1. SLOPE FOR RETAINMENT WALL BE LAYED TO MATCH EXISTING SLOPE.
- 2. ALL EXISTING WALLS TO BE DEMOLISHED AND RECONSTRUCTED TO MATCH EXISTING WALLS.
- 3. EXISTING WALLS TO BE RECONSTRUCTED TO MATCH EXISTING WALLS.
- 4. EXISTING WALLS TO BE RECONSTRUCTED TO MATCH EXISTING WALLS.

GENERAL SIDEWALK CAFE NOTES:

- 1. SIDEWALK CAFE SHALL BE LOCATED ON THE EAST SIDE OF THE BUILDING.
- 2. SIDEWALK CAFE SHALL BE LOCATED ON THE EAST SIDE OF THE BUILDING.
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- 20. SIDEWALK CAFE SHALL BE LOCATED ON THE EAST SIDE OF THE BUILDING.

20TH AND J STREET
DOWNTOWN DENVER, CO



Architect: J. Pacific, Inc.



PAVING
CONCRETE
LANDSCAPE

