



# REPORT TO PLANNING COMMISSION City of Sacramento

# 5

915 I Street, Sacramento, CA 95814-2671

PUBLIC HEARING  
June 14, 2012

To: Members of the Planning Commission

**Subject: E Street Mixed-Use Building (P12-010)**

A request to rezone a 0.06-acre property from Multi-Family (R-3A) zone to Multi-Family (R-4A) zone to re-establish ground floor commercial uses and three second-floor residential units in an existing two-story building.

- A. Environmental Determination:** Exempt per CEQA Guidelines Section 15303 (New Construction or Conversion);
- B. Rezone** 0.06-acre property from Multi-Family (R-3A) zone to Multi-Family (R-4A) zone;
- C. Special Permit** to allow commercial use on the ground floor of a mixed-use building in the proposed Multi-Family (R-4A) zone.

**Location/Council District:**

1401/1403 E Street, Sacramento, CA 95814

Assessor's Parcel Number 002-0125-026-0000

Council District 4

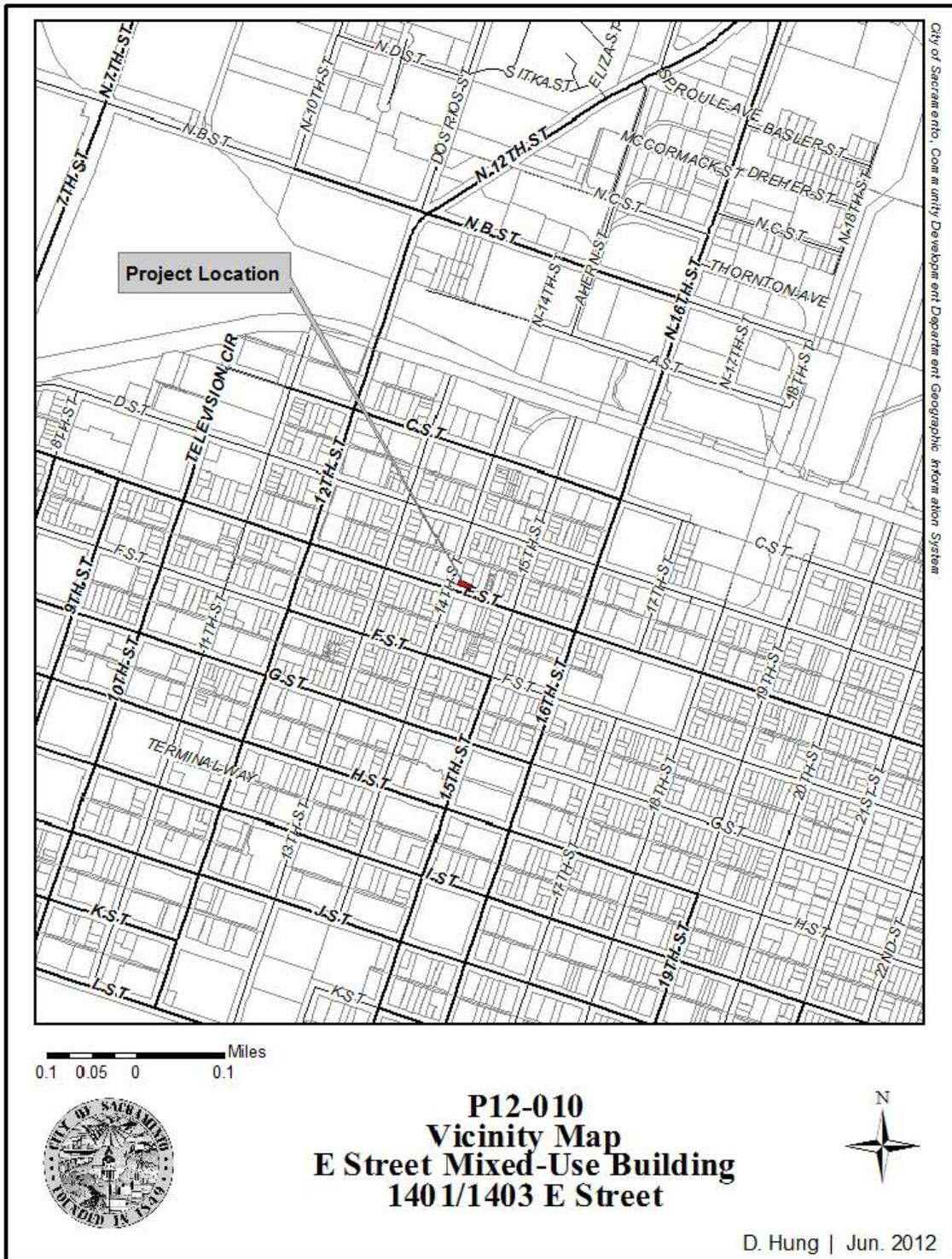
**Recommendation:** Staff recommends the Commission forward to City Council a recommendation of approval for items A to C based on the findings of fact listed in Attachment 1. **Staff has received several letters of concern regarding impacts that might occur with the request to allow ground floor commercial uses.**

**Contact:** David Hung, Associate Planner, (916) 808-5530; Stacia Cosgrove, Senior Planner, (916) 808-7110

**Applicant:** Darryl Chinn Architect, Attn: Darryl Chinn (916) 761-6956, 2612 J Street #2, Sacramento, CA 95816

**Owner:** Red Sycamore Homes LP, Attn: Scott Raymond and Trenor Askew, (510) 986-1745, 360 Grand Avenue, #347, Oakland, CA 94610

Vicinity Map



**Summary:** The applicant is proposing to rezone the subject 0.06-acre parcel from Multi-Family (R-3A) zone to Multi-Family (R-4A) zone. There is an existing two-story building on the site which contains three residential units on the second floor and commercial space on the ground floor. The building has been vacant for several years since it was damaged by fire in 2008. The applicant is proposing to restore the building and re-establish it to mixed-use with commercial on the ground floor and residential on the second floor. The site currently allows up to two residential units by right based on the lot size. Rezoning the property to R-4A will allow the third residential unit on the second floor and ground floor commercial use with the approval of a Special Permit. The building is in the Washington Historic District and requires Preservation review and approval for any exterior work; the site has received prior Preservation approval for exterior rehabilitation and a Revision to the Certificate of Appropriateness was issued for minor changes to the previous approval. Staff sent early notices to various neighborhood groups in the area as well as adjacent owners to the site and has received a few letters stating opposition to the proposal.

<b>Table 1: Project Information</b>
<b>General Plan designation:</b> Traditional Neighborhood Medium Density (8 to 21 units per acre, 0.5 to 1.5 FAR)
<b>Existing zoning of site:</b> R-3A (Multi-Family); maximum 36 units/acre
<b>Proposed zoning of site:</b> R-4A (Multi-Family); maximum 110 units/acre
<b>Existing use of site:</b> Vacant ground floor; residential second-floor
<b>Property area:</b> 2,530 square feet (0.06-acre)
<b>Historic District:</b> Washington

**Background Information:** It is estimated that the subject structure was built around early twentieth century. A records search in the City archives uncovered building permits from as early as the 1920s that showed both commercial and residential uses on this property, with addresses on E Street as well as 14<sup>th</sup> Street. A search of the County Assessor's data showed a primary small retail use along with three apartment addresses; therefore, the building has historically been used as a mixed-use structure. The subject two-story building had previously contained three residential units on the second floor and commercial use (convenience store) on the ground floor but has been vacant for several years since it was damaged by fire in 2008; the previous owner had failed to complete the restoration work in order for the building to be habitable, and a new property owner is in the process of completing the work and to re-establish the mixed-use component. The ground floor retail/commercial use in the R-3A zone is a non-conforming use, and a maximum of two residential units are permitted by right on the subject parcel. Since the building was vacant for more than one year, the third residential unit use and the retail use are no longer allowed. The applicant is currently seeking necessary entitlements to re-establish commercial use on the ground floor and multi-family use on the second floor.

**Public/Neighborhood Outreach and Comments:** Staff sent early notices to various community groups including the Alkali/Mansion Flats Historic Neighborhood Association, Boulevard Park Neighborhood Association, Boys & Girls Club of Greater Sacramento, CCAN, Children First Flats Network, Friends of Grant Park, Marshall School New Era Park Neighborhood Association, Sacramento Preservation Roundtable, SOCA, WalkSacramento, and Washington Park Neighborhood Improvement Group. Staff also sent early noticing to property owners within 500 feet radius of the site. On April 12, 2012, the applicant presented the project to the Alkali/Mansion Flats Historic Neighborhood Association; staff was present at the meeting and addressed some of the questions the neighbors had concerning the application process, parking requirements and allowed uses on the site. Staff has received several letters of opposition to the proposal (See Attachment 6) and below are the main issues from the comment letters followed by staff response:

1. Concerns that by allowing the rezone, some unwanted commercial uses may occupy the ground floor, uses such as alcohol sales, thrift store, blood bank that may not be compatible with adjacent residential uses. *Staff response: The R-4A zone allows limited commercial uses on the ground floor, with the issuance of a special permit, which would typically be compatible with surrounding residential dwellings, such as retail stores, office, and commercial services. Any proposed alcohol sales for off-premise consumption requires the additional approval of a Special Permit. Thrift stores, or "Second Hand Stores," are not allowed in the proposed R-4A zone. A blood bank would be considered a medical office use, which is allowed, however it would require the provision of additional parking.*
2. Concerns that the proposal will negatively impact on-street parking in the surrounding area. *Staff response: A mixed-use building has historically existed on the site, so reestablishing the prior uses does not create a substantial new impact. Per today's Zoning Ordinance, no onsite parking would be required due to the size of the parcel and the type of development that is proposed. It should be noted that certain type of uses, such as restaurants and athletic clubs, will require off-street parking and an entitlement to waive parking shall be required.*
3. Concerns regarding placement of trash and recycling bins on the site. *Staff response: Trash and recycling cans are proposed to be located within the existing side yards on the north and east sides of the site. The trash and recycling plan will have to be approved by the City's Solid Waste Division.*

Staff has been told that there was previously a small convenience market on the ground floor of the building that sold alcohol for off-site consumption, and that the business was a nuisance for the community. That special permit for alcohol sales has expired. No further alcohol sales in conjunction with a small market would be allowed without the approval of a Planning Commission Special Permit. No special permit is being requested by the property owner at this time. If a future property owner were to request a special permit for offsite alcohol sales, the neighborhood would be noticed as part of the typically project routing process.

**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 15303, New Construction or Conversion. The project consists of the rezoning of a parcel with a currently vacant building that previously contained three residential units on the second floor and commercial use on the ground floor and to re-establish residential and commercial uses in the building.

### **Policy Considerations:**

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.

Although the project's density of 52 units per acre exceeds the allowable range of the Traditional Neighborhood Medium Density designation, the proposal is supported by General Plan policies LU 2.1 and LU 4.3.1, noted above. In the context of Downtown, there is typically a mix of densities and uses in each neighborhood. Staff finds that rezoning this site would not tip the balance of densities in the neighborhood such that the character of the area would develop contrary to the General Plan. Given that the site is very small, the uses have historically and legally existed for many years, and that mixed use development is encouraged by the General Plan, staff supports the request. The project does not exceed the maximum allowed FAR of 1.5. The project would rezone the property to reuse an existing structure that will contribute positively to its surroundings by 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:

- **Preservation.** The City shall support programs for the preservation of historically and architecturally significant structures which are important to the unique character of the Central City. (CC.HCR 1.1)
- **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 Washington Historic District to continue to be used as a mixed-use building. The proposed project will improve the quality and vitality of the neighborhood.

## **Project Design:**

### **Rezone**

The project proposes to rezone a 0.06-acre parcel from Multi-Family (R-3A) zone to Multi-Family (R-4A) zone. The Multi-Family (R-4A) zone is generally located in urban neighborhoods, corridors, and centers in the Central City or near major transit stops. Minimum land area per unit is three hundred ninety-six (396) square feet. Maximum density for the R-4A zone is one hundred ten (110) units per acre. The R-4A zone allows limited types of commercial uses on the site with the approval of a special permit.

<b>Table 2: Rezone</b>					
<b>Designation</b>	<b>Min. land area per unit</b>	<b>Maximum Density</b>	<b>Existing (gross ac)</b>	<b>Proposed (gross ac)</b>	<b>Difference ( gross ac)</b>
Multi-Family (R-3A)	1,200 sq. ft.	36 units/acre	0.06	0	-0.06
Multi-Family (R-4A)	396 sq. ft.	110 units/acre	0	0.06	+0.06
<b>TOTAL</b>			0.06	0.06	

The existing two-story building on the site contains three residential units on the second floor and commercial space on the ground floor; it has been vacant for several years since it was damaged by fire. A total of two units would have been 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 ground floor commercial uses. Nonconforming uses may not be discontinued for more than one year or the nonconforming status expires. Since the residential and commercial uses have been discontinued for more than one year, it is determined that they have expired.

Rezoning the property to R-4A will allow the third dwelling unit on the second floor and allow limited types of ground floor retail/commercial use with the approval of a Special Permit. Ground floor commercial uses in the R-4A zone such as an office, a retail store, a bakery and a florist are allowed with a Special Permit as long as they do not exceed 50% area of the building. Staff believes that an R-4A 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 project will provide both housing and neighborhood serving commercial uses in the neighborhood. The rezone request is consistent with the General Plan policies to rehabilitate existing structures and provide mixed-use in neighborhoods.

### **Ground Floor Commercial Use**

The applicant is requesting ground floor commercial use within a mixed-use building in the R-4A zone. Per Section 17.24.050, offices or commercial retail uses are permitted on the ground floor only in this zone and may occupy up to a maximum of fifty (50) percent of the building square footage, subject to granting of a special permit. The following findings must be made in order to grant the special permit:

1. A special permit shall be granted upon sound principles of land use.

Granting the Special Permit is based upon sound principles of land use in that neighborhood-serving commercial uses can be provided in close proximity to residential uses, consistent with General Plan goals encouraging mixed use development. The site is located within the Washington Historic District, and granting of the special permit will reestablish the historic ground floor use of this building.

2. 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.

Granting the Special Permit would not be detrimental to the public welfare nor result in the creation of a public nuisance in that:

- a. Only limited uses permitted in the R-4A zone shall be allowed and such uses shall not exceed 50% of the building square footage;
  - b. On-street parking is available directly adjacent to the site and the site is not identified as high impact parking area in the City's regular on-street parking survey.
3. 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 proposed project is consistent with the General Plan and Central City Community Plan policies to preserve historically significant structures and to provide the opportunity for mixture of housing with other uses in the same building or on the same site.

Staff supports the proposed ground floor commercial use since it supports General Plan policies to encourage mixed-use buildings and that neighborhood-serving uses may be provided. The subject ground floor space has historically been occupied by commercial uses.

### **Site and Building Design**

Access and Circulation: The subject site is located on northeast side of E Street and 14<sup>th</sup> Street. Both E Street and 14<sup>th</sup> Street have two-way traffic and on-street parking; there is on-street parking directly in front of the site on each street frontage. A traffic calming circle current exists at the intersection of 14<sup>th</sup> Street and E Street. Existing sidewalk and curb are found on both frontages. There is no existing driveway on either frontage to the site. The site does not abut an alley.

Parking Requirement: The site has existed without off-street parking for both the residential and commercial uses. The site can continue to have no more than three residential units without off-street parking. Certain retail uses, including art gallery, beauty shop, spa, deli, food store and grocery store, do not require parking since the lot is less than 5,200 square feet. Other uses, such as restaurants, office and athletic club, do require parking and would trigger either a parking waiver or off-site parking entitlements.

<b>Use</b>	<b>Required Parking</b>	<b>Proposed Parking</b>	<b>Difference</b>
Multi-family (central city)	0 (as the site was originally developed without parking)	0	0
Retail (including art gallery, beauty shop, spa, deli, food store, grocery store)	0 (for lots less than 5,200 square feet inside the central city)	0	0

Staff has reviewed the Department of Transportation's on-street parking survey for the Central City that was conducted in 2011 and finds that there is typically an ample supply of on-street parking both in the immediate block of the subject site and the surrounding blocks adjacent to the site.

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.

Building Design and Landscaping: The applicant is proposing to restore the previously fire-damaged structure and re-establish the mixed-use component in the building. The proposed ground floor plan contains three commercial tenant spaces, totaling approximately 1,715 square feet, and the second floor plan contains three residential units. The residential use is being restored to become a conforming use without enlargement to the building to accommodate the use. Here is a breakdown of the approximate sizes of the units within the building:

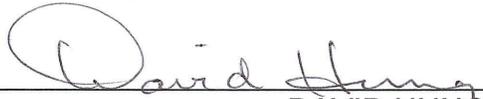
Ground Floor	Retail/Commercial #1	575 square feet
	Retail/Commercial #2	720 square feet
	Retail/Commercial #3	420 square feet
Second Floor	Apartment Unit #1	730 square feet
	Apartment Unit #2	740 square feet
	Apartment Unit #3	420 square feet

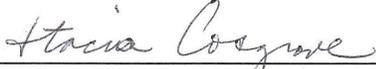
A one-cubic-yard commercial dumpster is being provided for the commercial units and will be located within the side yard at the northwest corner of the site. Trash and recycling cans are provided for the residential units and will be placed within the side yards on the north and east sides of the site; the quantity and sizes of the cans shall be subject to approval by the Solid Waste Division. Two existing side yard gates will be replaced with solid wood gates, and solid wood fencing will be installed on the east

property line to replace the existing chain link fencing. The existing solid wood fence on the north property line is to remain. A portion of the setback area beyond the south property line will be developed with an irrigated landscape planter; the remaining area will be paved.

Preservation Review: The subject site is located in the Washington Historic District. A Certificate of Appropriateness for work related to restoring the fire damaged building was issued by Historic Preservation on March 11, 2009 (PB08-094). The work involved exterior rehabilitation and alterations to the subject building. The work was started but was never completed and the building permit expired. The current owner is proposing minor revisions to the prior approval for a number of windows and doors on the south and west elevations; a revised Certificate of Appropriateness for the work was issued by Historic Preservation on April 12, 2012 (see Attachment 5). Fencing locations, design and materials shall require Preservation staff review and approval. New fencing shall be set back six inches from the street faces of the building.

**Recommendation:** Staff recommends the Commission 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 neighborhoods.

Respectfully submitted by:   
DAVID HUNG  
Associate Planner

Approved by:   
STACIA COSGROVE  
Senior Planner

Recommendation Approved:

  
GREGORY BITTER, AICP  
Principal Planner

Table of Contents:

Page 1	Report
Page 12	Attachment 1: Proposed Findings of Fact
Page 13	Attachment 2: Exemption – Findings – Draft Resolution
Page 14	Attachment 3: Rezone – Draft Ordinance
Page 15	Exhibit 3A: Rezone
Page 16	Attachment 4: Special Permit – Draft Resolution
Page 21	Exhibit 4A: Site Plan
Page 22	Exhibit 4B: Floor Plans
Page 23	Exhibit 4C: Building Elevations
Page 24	Attachment 5: Revision to Certificate of Appropriateness
Page 28	Attachment 6: Comment Letters
Page 31	Attachment 7: Land Use & Zoning Map

**Attachment 1  
Proposed Findings of Fact  
E Street Mixed-Use Building (P12-010)  
1401/1403 E Street, Sacramento, CA 95814**

**Findings of Fact**

- B.** The Planning Commission has reviewed and considered the information contained in the **CEQA Exemption** in making the recommendations set forth in Attachment 2.
- C.** The Planning Commission recommends approval and forwards to the City Council the **Rezoning** for the Project as set forth in Attachment 3.
- D.** The Planning Commission recommends approval and forwards to the City Council the **Special Permit** Approval for the Project as set forth in Attachment 4.

**Attachment 2: Exemption – Findings – Draft Resolution**

**RESOLUTION NO.**

Adopted by the Sacramento City Council

**DETERMINING PROJECT EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (P12-010)**

**BACKGROUND**

A. On June 14, 2012, the City Planning Commission conducted a public hearing on, and forwarded to the City Council, a recommendation to approve the E Street Mixed-Use Building.

B. On July XX, 2012, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(1) and (2)(a), (b), and (c) (publication, posting, and mail (500 feet)), and received and considered evidence concerning the E Street Mixed-Use Building 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 15303, New Construction or Conversion, of the California Environmental Quality Act Guidelines as follows:

The project consists of the rezone of a parcel with a currently vacant building that previously contained three residential units on the second floor and commercial use on the ground floor and to re-establish residential and commercial uses in the building.

**Attachment 3: Rezone – Draft Ordinance**

**ORDINANCE NO.**

Adopted by the Sacramento City Council

**AMENDING TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) BY REZONING CERTAIN REAL PROPERTY FROM MULTI-FAMILY (R-3A) ZONE TO MULTI-FAMILY (R-4A) ZONE (1401/1403 E STREET) (P12-010) (APN: 002-0125-026-0000)**

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

Section 1. Title 17 of the Sacramento City Code (the Zoning Code) is amended by rezoning the property shown in the attached Exhibit 3A, generally described, known, and referred to as E Street Mixed-Use Building located at 1401/1403 E Street (APN: 002-0125-026-0000) and consisting of 0.06 acres, from Multi-Family (R-3A) zone To Multi-Family (R-4A) zone.

Section 2. Rezoning of the property shown in the attached Exhibit 3A, by the adoption of this Ordinance, will be considered to be in compliance with the requirements for the rezoning of property described in the Zoning Code, as amended, as those procedures have been affected by recent court decisions.

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

Table of Contents:

Exhibit 3A: Rezone – 1 page

Exhibit 3A: Rezone



**Attachment 4: Special Permit – Draft Resolution**

**RESOLUTION NO.**

Adopted by the Sacramento City Council

**ADOPTING FINDINGS OF FACT AND APPROVING THE E STREET MIXED-USE BUILDING PROJECT'S SPECIAL PERMIT TO ALLOW GROUND FLOOR COMMERCIAL SPACE IN THE R-4A ZONE (P12-010)**

**BACKGROUND**

A. On June 14, 2012, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the E Street Mixed-Use Building Project.

B. On July XX, 2012, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(1) and (2)(a), (b), and (c) (publication, posting, and mail (500 feet)), and received and considered evidence concerning the E Street Mixed-Use Building 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 E Street Mixed-Use Building 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 15303, New Construction or Conversion, of the California Environmental Quality Act Guidelines.

**B. Special Permit:** The Special Permit to allow commercial use on the ground floor of a mixed-use building in the proposed Multi-Family (R-4A) zone is approved based on the following Findings of Fact:

1. Granting the Special Permit is based upon sound principles of land use in that neighborhood-serving commercial uses can be provided in close proximity to residential uses, consistent with General Plan goals

encouraging mixed use development. The site is located within the Washington Historic District, and granting of the special permit will reestablish the historic ground floor use of this building.

2. Granting the Special Permit would not be detrimental to the public welfare nor result in the creation of a public nuisance in that:
  - a. Only limited uses permitted in the R-4A zone shall be allowed and such uses shall not exceed 50% of the building square footage;
  - b. On-street parking is available directly adjacent to the site and the site is not identified as high impact parking area in the City's regular on-street parking survey.
3. The proposed project is consistent with the General Plan and Central City Community Plan policies to preserve historically significant structures and to provide the opportunity for mixture of housing with other uses in the same building or on the same site.

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 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.
- B3. Fencing locations, design and materials shall require Preservation staff review and approval. Fencing shall be set back six inches from the street faces of the building.
- B4. All mechanical equipment shall be located within enclosed cabinets or screened by landscaping and/or screening/fencing.
- B5. The applicant shall paint electrical meters/cabinets, telephone connection boxes and other utility appurtenances to match the building to which they are attached.

### **Fire**

- B6. Provide the required fire hydrants in accordance with CFC 507 and Appendix C, Section C105.

- B7. 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
- B8. Provide a water flow test. (Make arrangements at the Permit Center walk-in counter: 300 Richards Blvd, Sacramento, CA 95814). CFC 508.4
- B9. Provide appropriate Knox access for site. CFC Section 506
- B10. 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.
- B11. 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.
- B12. 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

### **Building**

- B13. 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 8 (California Historical Building Code), and Part 9 (California Fire Code).

### **Department of Transportation**

- B14. The applicant shall repair/reconstruct any deteriorated portions of the existing curb, gutter and sidewalk fronting the property along E Street and 14<sup>th</sup> Street per City standards and to the satisfaction of the Department of Transportation.

### **Advisory Notes**

#### **Planning**

- 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.

2. Ground floor commercial use which does not meet parking requirements in the zoning code shall be subject to Planning entitlements.

### **Building**

3. Per California Building Code Table 508.3.3, the required separation between the R and B occupancies is a minimum of a 2 hour fire barrier.

### **Solid Waste Division**

4. Project must meet the requirements outlined in Sacramento City Code Chapter 17.72
5. Solid waste trucks must be able to safely move about the property, with minimum backing, and be able to empty the bins and cans safely. Since only cans will fit on the property, this requirement appears to be met.
6. Properties must accommodate trucks, as well as cans or bins, that are roughly the dimensions outlined in the attached file, "Truck, Bin, Can Dimensions".
7. The two second floor apartment units are required by City Code Chapter 13.10 to be served by City of Sacramento Solid Waste Services. This includes the residences of a mixed-use property.
8. All commercial units in this project (i.e., the first floor business spaces) must have solid waste services, but are not required to use City of Sacramento Solid Waste Services. This means the property manager may have the building served by a franchised hauler, or the City of Sacramento.
9. There must be a garbage and recycling can for each apartment unit, as well as for each business unit.
10. Statement of Recycling must be completed.

### **Urban Forestry**

11. During all phases project must comply w/ Chapter 12 code requirements.
12. Applicant must obtain a UFS permit prior to pruning any limbs or roots of street trees.

### **Sacramento Area Sewer District**

13. 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.

14. Improvements to the property will require payment of SRCSD sewer impact fees. Impact fees shall be paid prior to issuance of Building Permits. Applicant should contact the Fee Quote Desk at 876-6100 for sewer impact fee information.

Table of Contents:

- Exhibit 5A: Site Plan – 1 page
- Exhibit 5B: Floor Plans – 1 page
- Exhibit 5C: Building Elevations – 1 page

Exhibit 4A: Site Plan

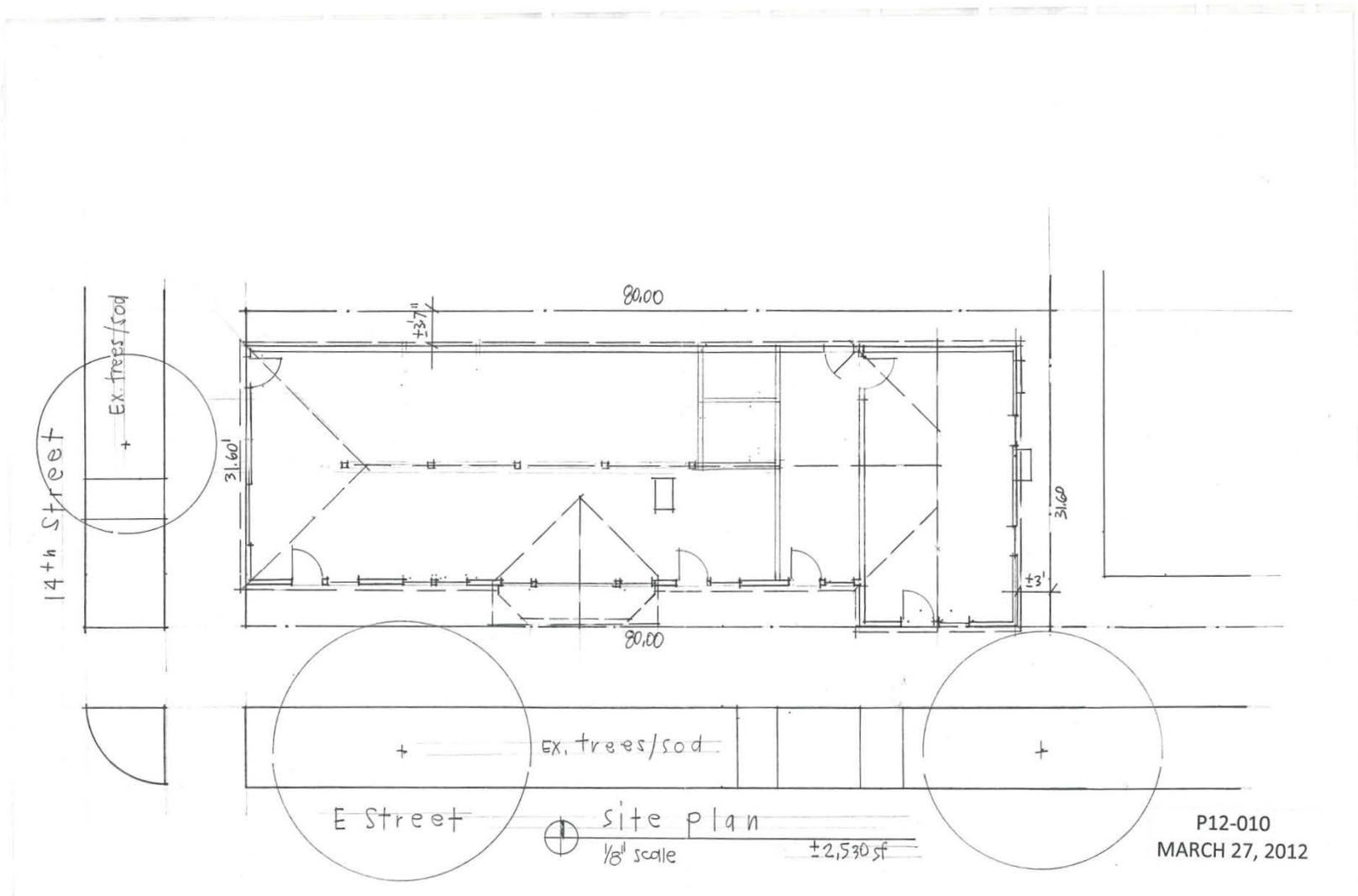
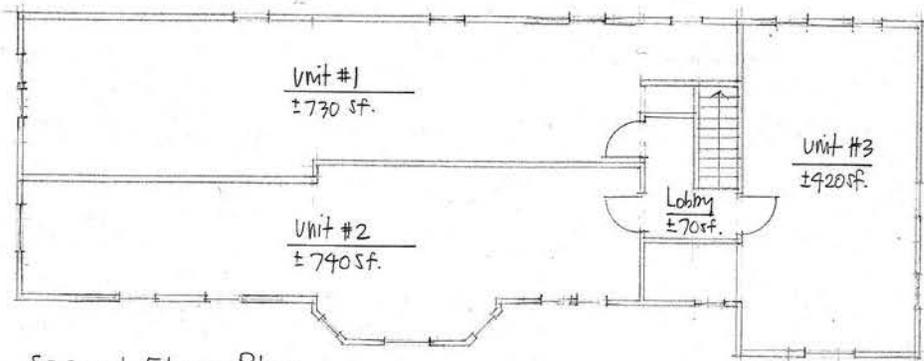
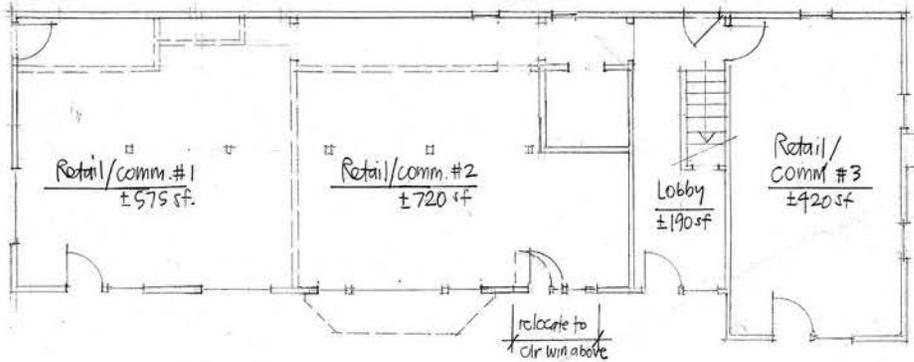


Exhibit 4B: Floor Plans



Second Floor Plan  
1/8" scale ±1,960 sf.



Ground Floor Plan  
1/8" scale ±1,905 sf.



**Attachment 5: Revision to Certificate of Appropriateness**



**CITY OF SACRAMENTO**  
CALIFORNIA

COMMUNITY DEVELOPMENT  
DEPARTMENT  
PHONE 916-808-5656

300 Richards Blvd  
SACRAMENTO, CA 95814  
FAX 916-808-1901

**REVISION TO CERTIFICATE OF APPROPRIATENESS**

Re: 1403 E Street (PB08-094), Washington Historic District  
From: Office of Preservation  
Date: April 12, 2012  
To: Scott Raymond  
Tel: (415) 250-9631

---

**BACKGROUND:**

The Certificate of Appropriateness for work related to an existing historic building at 1403 E Street (APN 002-0125-026) was issued on March 11, 2009 (PB08-094). The work involves exterior rehabilitation and alterations to the subject building. This applicant proposes minor revisions for a number of windows and doors on the south and west elevations from the prior approval.

**MODIFICATION ACTION:**

The PB08-094 approval is modified as follows:

1. Windows and doors shall be located as shown on the revised Preservation stamped approved elevations.
2. All other conditions from previous approval shall apply; see attached Certificate of Appropriateness for PB08-094.

Sincerely,

  
\_\_\_\_\_  
David Hung  
Associate Planner



DEVELOPMENT SERVICES  
DEPARTMENT

CITY OF SACRAMENTO  
CALIFORNIA

300 RICHARDS BOULEVARD  
3rd FLOOR  
SACRAMENTO, CA  
95811-0218

**CERTIFICATE OF APPROPRIATENESS**

**FILE NUMBER:** PB08-094  
**APPLICANT:** LARRY ANDREWS  
**ADDRESS:** 1403 E ST  
**APN:** 002-0125-026  
**CLASSIFICATION:** WASHINGTON HISTORIC DISTRICT

**DATE FILED:** DECEMBER 19, 2008  
**DATE APPROVED:** MARCH 11, 2009  
**STAFF CONTACT:** JENNIFER GLEN, 808-4771

**DESCRIPTION:** REHABILITATION AND ALTERATIONS TO AN EXISTING MIXED-USE BUILDING, A CONTRIBUTING RESOURCE IN THE WASHINGTON HISTORIC DISTRICT.

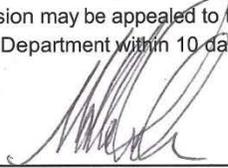
Findings of the Preservation Office: Preservation Director has determined the project to be consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties and the goals and policies of Chapter 17.134 of Title 17 of the Sacramento City Code. This project is determined to be exempt per CEQA 15331 Historical Resources Restoration/Rehabilitation.

Preservation Director has reviewed the proposed project, and approves it with the following conditions of approval:

1. Applicant may not apply for building permits until an east elevation accurately depicting existing openings and features, as well as those proposed, is submitted for Preservation review and approval. Existing chimney and gable shall be retained in original form.
2. Extension of the existing cantilevered bay from the second level to the first level on the south elevation is not permitted.
3. All original brackets (particularly those on the second level of the south elevation), trim, and posts (particularly under the cantilevered bay) shall remain.
4. Applicant shall not demolish existing interior wall in Commercial Space #3 as depicted on plans. Wall shall remain to create a space that serves as a lobby area for primary resident-access off of E Street, instead of proposal to provide access from the rear of the building.
5. Primary access to second level residential units shall not be from the north elevation. Residents' primary access to the second floor units shall be through a door off of E Street. Stairs shall be accessed via the door and window system proposed on the E Street side (south elevation) originally for access to Commercial Space #3.
6. Commercial Space #3 shall be accessed through a door and window system per #5 condition above, instead of the proposed window, to match that of the residential lobby entry features (door and adjacent window scheme).

7. Recommendation to utilize the space under the stairs to accommodate an accessible bathroom on the first floor for use by all commercial spaces.
8. Trashbins shall be contained within the interior storage area shown on the plans in the northwest corner of the building. The exception to this is the storage of two totes at the northeast corner of the parcel, as well as the east of the parcel, screened behind a gate on the side yard.
9. Proposed gate design, materials, and colors shall be submitted to Preservation staff for review and approval prior to construction.
10. Applicant shall submit a brochure of the proposed lighting to Preservation staff for review and approval prior to construction.
11. Retain all original windows and trim, on all elevations of the building. Repair or, if necessary, replace original window, trim, sills, and aprons to match original in-kind with approval of Preservation staff prior to construction.
12. All windows shall be single or double hung wood.
13. Door and adjoining window on the second floor of the north elevation are not original and may be removed. Applicant shall submit revised plans showing any new openings in this location prior to submitting for building permits.
14. Provide new horizontal wood lap siding to match original in-kind, where original deterioration required and approved by Preservation staff prior to construction.
15. Color scheme proposed for siding, trim, and awnings, attached, is approved. Recommendation to use the dark green color proposed for the awnings for the window sashes.
16. Proposed awnings shall not be ruffled in design and will substantially conform to the exhibit attached.
17. Obtain all necessary encroachment permits from Traffic Engineering Services for awnings or any portion of the awnings encroaching into the public right of way.
18. Signage is not approved as part of this approval. Applicant shall obtain all necessary sign permits.
19. Revised plans showing the HVAC units proposed shall be submitted for Preservation review and approval prior to submitting for building permits. All exterior openings associated with first and second floor HVAC units shall be shown on the elevations submitted for Preservation review. New openings are not allowed for HVAC units on the south or west elevations.
20. Meters and disconnects shall remain in the locations as existing. Any new meters, disconnects, or relocations shall require Preservation review and approval.
21. All work shall also comply with the conditions of approval for Zoning Administrator file Z08-337.
22. All other existing exterior features such as windows, doors, trim, siding etc. shall remain in place.
23. The project shall be located and constructed of the materials indicated on the approved plans.
24. All woodwork shall have a smooth, painted finish with no rough-sawn or raised grain patterns allowed.
25. Revised exterior elevations, site plans, and floor plans incorporating all the changes required in these conditions of approval must be submitted to Preservation Staff, reviewed by Preservation Staff, and approved by Preservation Staff prior to applying for a building permit. In addition, all revisions must be indicated on those sets submitted to building department.
26. New roofing shall be a minimum 30 year laminated dimensional composition. Color shall be complimentary to the proposed color scheme.
27. Match in-kind shall mean matching materials, design, dimensions, profiles, placement and finishes
28. All other notes and drawings on the final plans as submitted by the applicant are deemed conditions of approval. Any work that differs from the final set of plans stamped by Preservation staff shall be subject to review and approval prior to issuance of a building permit or work undertaken

29. NO OTHER EXTERIOR WORK IS ALLOWED.
30. This approval shall expire in three years from the approval date.
31. This decision may be appealed to the Preservation Commission. Appeals must be filed at the City Development Services Department within 10 days of this decision.



\_\_\_\_\_  
William R. Crouch, Urban Design Manager/Preservation Director

3/11/2009

\_\_\_\_\_  
Date: 03/11/2009

THIS IS NOT A PERMIT TO COMMENCE WORK OR CHANGE OF OCCUPANCY. PERMITS FROM THE BUILDING DIVISION (AND ANY OTHER APPROPRIATE AGENCIES) MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

**Attachment 6: Comment Letters**

**David Hung**

---

**From:** Matt Gray [matt@thecapitalalliance.com]  
**Sent:** Tuesday, May 01, 2012 9:02 AM  
**To:** David Hung  
**Cc:** Robert King Fong; 'sean wright'  
**Subject:** OPPOSE rezone 002-0125-026-0000 at 1401/1403 E Street

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Good morning Mr. Hung,

I write to submit my comments in **opposition** to the pending application to rezone the aforementioned project from a R-3A to a mixed-use (R-4A) building. I own property within 500 feet of the applicant's property, and the previous use of that property as mixed-use had ongoing negative secondary effects upon the surrounding properties in the form of blight and litter, loitering, and crimes by patrons who were attracted to and frequented that property. More specifically, drunken vagrants would frequent the corner market to purchase alcohol and would loiter about the 14th and E street area until the store opened, and discarded their trash upon the sidewalks and street on a daily basis. On other occasions, the vagrants would enter upon private residential properties to urinate and defecate upon the property, expose themselves in a lewd manner, as well as steal private property from those residences.

If there is any chance at all that 1401/1403 E Street may again be used as a corner market selling alcohol for carry-out, or even a thrift store, blood bank, or other business which attracts alcoholics, thieves, and drug addicts who are looking for some quick cash (or are attracted to those business through the perception that they may financially or illicitly personally gain from its services), then I remain **VEHEMENTLY** opposed to it being rezoned to R-4A mixed use.

However, if a **provisional** rezoning were permitted which prohibited the aforementioned types of business, but did allow a neighborhood-friendly business such as police substation, cafe, coffee shop, daycare, hardware store, boutique retail sales, then I would be open to that as a consideration.

Thank you for your attention to this matter, and for considering my input. I ask that my email be shared with the Council member for their consideration as well.

Matt Gray

**David Hung**

---

**From:** Chris Hildebrand [chris@hildebrand.com]  
**Sent:** Monday, May 14, 2012 10:30 AM  
**To:** David Hung  
**Subject:** APN 002-0125-026-0000 Planning Commission Application #P12-010

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi, I am the property owner of 1406/1408 D Street.

With all the new developments in my immediate block ( C alley, a pending multi-plex to E-Street , your new application) I am very concerned about the parking situation. In the new C Street development, the applicant is asking for less parking, than required and your E Street development cannot involve new onsite parking, the lot is fully built on. So any increase from the current R3 to R4 will automatically increase need for parking along E and 14<sup>th</sup> Street. On weekends and at night parking for C and D Street residents between 14<sup>th</sup> and 15<sup>th</sup> has to spill over into 14 and 15<sup>th</sup> Street. We already ran out of parking spaces. Please keep that in mind when you approve these new construction multi-family projects and rezoning of existing buildings. Counting the units (most houses have 2+ units) along D and E street+ the alleys, multiplying them at least by 2, add a visitor here and there and you'll find we are very short on street parking spots.

It is absolutely vital to look at all pending projects for this block together and make a decision on these requests based on what is best for the neighborhood.

Sincerely

Chris Hildebrand

**David Hung**

---

**From:** sean wright [emailsean@msn.com]  
**Sent:** Friday, May 18, 2012 3:18 PM  
**To:** David Hung  
**Subject:** P12-010 1403 E Street  
**Attachments:** pict1 (3).JPG

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

David,

I have some concerns about the proposed rezone of 1403 E Street and the project in general.

The building has very little set-backs from the property lines, thus leaving 2 narrow strips to service the site. The North set-back is 43 inches and the East set-back is 36 inches. In both instances, utility meters, pipes, drain spouts, water heaters and other obstructions make these set-backs much narrower. The owner proposes to use these set-backs to provide trash & recycling services for 3 residential units and 3 commercial units.

When this property functioned with 2 residential units and 1 commercial space the use of these narrow set-backs to service trash and zero recycling was problematic. In this narrow space the tenants could utilize no more than one trash can. They could not gain access to the other trash cans stacked further down this narrow strip. Most of the trash was just stacked on top of the first can, leaving an unsightly mess. Attached is a photo of the area while the building was vacant. With the additional units and the addition of recycling cans, the problem will only get worse.

I have spoken with the owner about this concern. He has agreed to build covered trash & recycling enclosures along the set-back with a solid wood gate. If the City does not approve this proposal, the solution previously approved should be imposed. This was to construct an interior trash enclosure at the north west corner of the building. **This issue needs to be resolved before any approvals are granted.**

I am extremely concerned about the R4a zoning and the uses allowed. This site has been a neighborhood nuisance and that is not a reflection on the new owner. I am concerned that once the site is rezoned and new uses take residency the neighborhood will have to accept whatever is allowed in the new zone. For this reason I oppose the rezone.

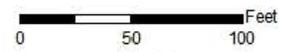
Thank you,

Sean Wright  
916-806-8198

Attachment 7: Land Use & Zoning Map



**P12-010**  
**Land Use & Zoning Map**  
**E Street Mixed-Use Building**  
**1401/1403 E Street**



D. Hung | Jun. 2012