

CITY PLANNING COMMISSION

927 - 10th Street, Suite 300 - SACRAMENTO, CALIFORNIA 95814

APPLICANT	Burger King Corp., 1333 Lawrence Expressway, Ste. 115, Santa Clara, CA 95051		
OWNER	KMP Partners, 2020 Union Street, San Francisco, CA 94123		
PLANS BY			
FILING DATE	3/23/84	50 DAY CPC ACTION DATE	REPORT BY: GM:bw
NEGATIVE DEC.	Ex. 15303c and 15305a	EIR	ASSESSOR'S PCL. NO. 022-280-09

APPLICATION: Variance to locate a proposed outdoor dining trellis within the 50 foot building setback for a proposed fast food restaurant fronting Stockton Boulevard on 0.5+ partially developed acres in the General Commercial (C-2) zone.

LOCATION: 5200 Stockton Boulevard

PROJECT INFORMATION:

1974 General Plan Designation:	Commercial and Offices
1965 Fruitridge Community Plan Designation:	Shopping or Commercial
Existing Zoning or Site:	C-2
Existing Land Use of Site:	Shopping Center

Surrounding Land Use and Zoning:

North: Commercial; C-2
 South: Commercial; C-2
 East: Commercial; C-4
 West: Residential; R-1

Parking Required:	33 spaces
Parking Provided:	51 spaces
Property Dimensions:	148' x 167'
Property Area:	0.56 acres
Square Footage of Building:	2,467
Height of Structure:	16 feet - 7 inches
Topography:	Flat
Street Improvements/Utilities:	Existing
Exterior Building Colors:	Natural wood tones with red brick building, redwood trellis
Exterior Building Materials:	Wood and brick building, redwood trellis

BACKGROUND INFORMATION: On March 22, 1984, the Commission approved a Special Permit to develop a fast food restaurant (Burger King) on the subject site (P84-067).

STAFF EVALUATIONS: Staff has the following comments:

1. The subject site is currently zoned C-2, general commercial and developed with an existing shopping center. At the time this area was annexed into the City, a 50-foot setback for commercial structures was required by the County. The approved restaurant building adheres to the 50-foot setback requirement.

The applicant proposes to establish an outdoor eating area for 14 seats on a patio in front of the restaurant. The applicant proposes to construct a redwood trellis to provide the outdoor patio area with shade. The trellis will be located a distance of twenty-five feet from the front property line. A variance must, therefore, be obtained to encroach into the 50 foot setback area.

2. The applicant proposes to surround the outdoor patio area with a raised brick planter planted with climbing vines and shrubs. The proposed trellis and landscaping treatment would be an attractive feature to the subject restaurant. The staff is supportive of restaurants which encourage outdoor dining facilities as long as there are no conflicts with either pedestrian or vehicular traffic.
3. Staff supports the applicant's variance request in that the proposed project would provide an attractive outdoor dining facility with effective landscape treatment to an area that is normally developed with asphalt surfaced parking lot. There is adequate parking on site to meet the parking requirement for both the indoor and outdoor seating area.

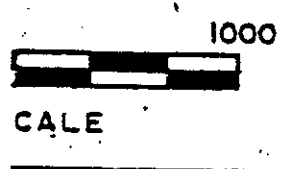
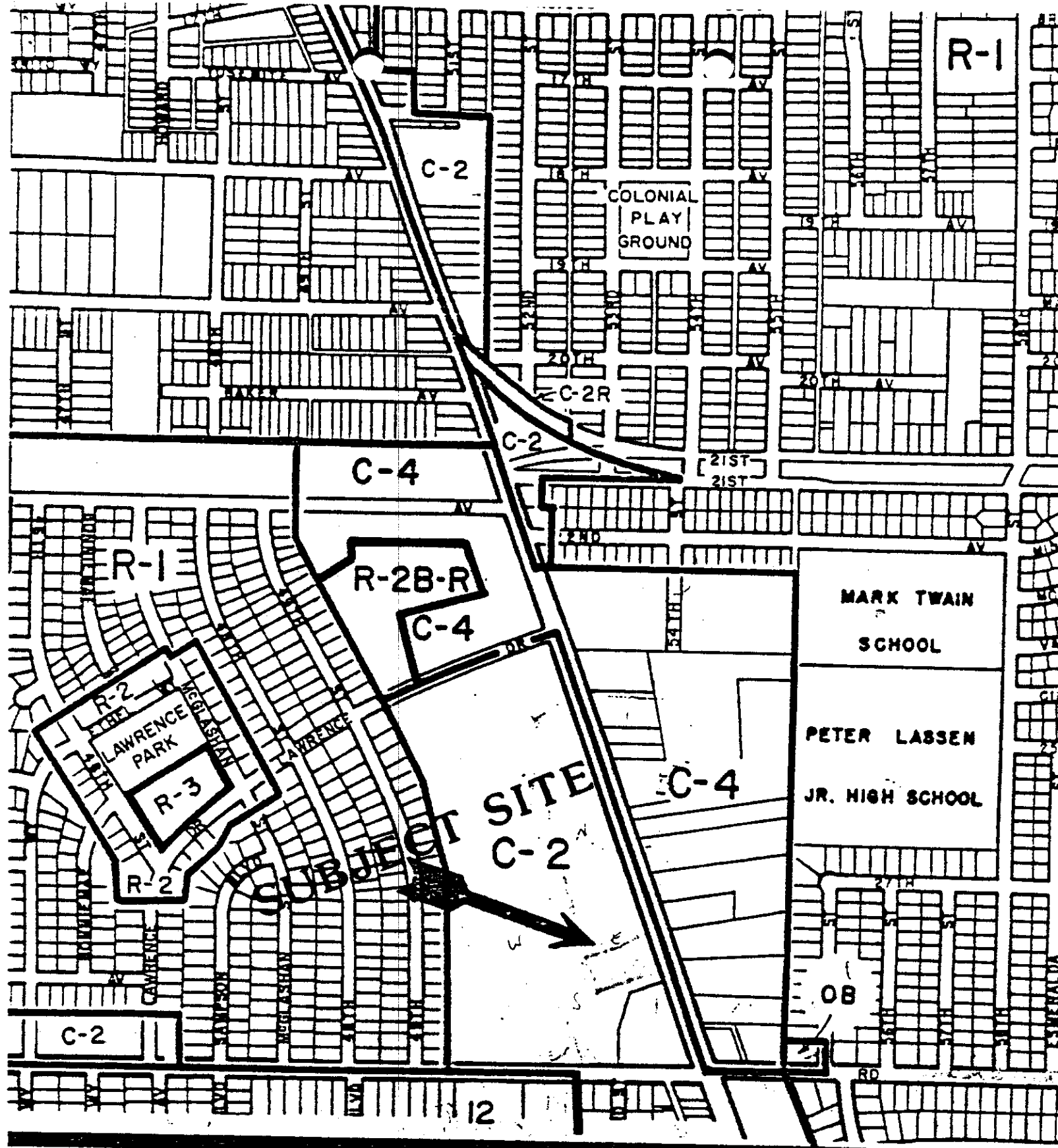
The 50 foot setback requirement is intended for fully enclosed structures. The subject trellis is an open canopy with no permanent walls. The basis to support a variance is that the 50 foot building setback renders approximately one-third the project site unbuildable. Approval is based on the plans as submitted and enclosure of the patio area at a future date will not be permitted.

STAFF RECOMMENDATION: Staff recommends approval of the variance subject to conditions and based upon the findings of fact which follow.

CONDITION: Approval is for plans as submitted. The trellis shall not be enclosed at a future date.

FINDINGS OF FACT:

1. Granting the variance does not constitute a special privilege extended an industrial property owner in that approximately one-third of the project site would be unbuildable if the 50 foot setback were required.
2. The variance does not constitute a use variance in that restaurants are allowed in the C-2 zone.
3. Granting the variance will not constitute a disservice to surrounding property in that (1) adequate on-site parking is provided, (2) the trellis will be screened with climbing vine type landscaping.
4. The variance does not conflict with the 1974 General Plan or the 1965 Fruitridge Community Plan which designate the site for commercial and shopping use.



OFFICIAL P. 84129 ZONING

P 84129

4-26-84

VICINITY MAP #28

No. 11

3-22-84

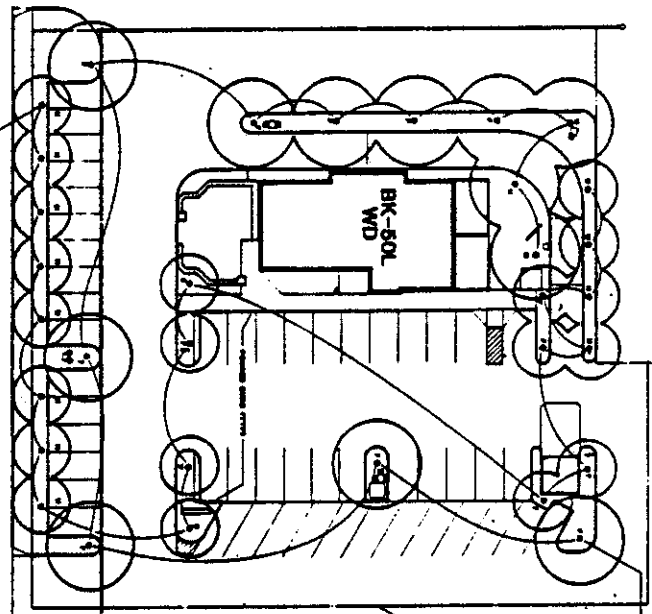
SHADE ANALYSIS

SITE AREA	30,528 sq. ft.
PAVED AREA	30,528 sq. ft.
SHADED AREA	14,482 sq. ft.
% AREA IN SHADE	47.43%

SHADING VALUE OF TREES AT SITE LOCATION ON DATE

TREE	FALL (1983)	W/INT (1983)
1	0.5	0.5
2	0.5	0.5
3	0.5	0.5
4	0.5	0.5
5	0.5	0.5
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100	0.5	0.5

SITE
 P. PAUL (1983)
 N. PAUL (1983)
 S. PAUL (1983)



P 84129

4-26-84

P 84129

28

STOCKTON BLVD.
 SACRAMENTO, Ca.
 SHADE TREE ANALYSIS

MARK D. BACKHAUS
 LANDSCAPE ARCHITECT

126 E. 28th Avenue
 Sacramento, California
 95818-1576

RESTAURANT FOR:

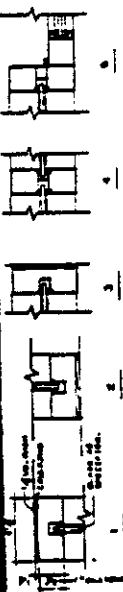
BURGER KING CORPORATION

DATE	4-26-84
BY	MARK D. BACKHAUS
CHECKED BY	
SCALE	AS SHOWN
PROJECT NO.	P 84129
SHEET NO.	28

RESTAURANT FOR: 45189 N
BURGER KING CORPORATION
JACK-LEE HEYER
ARCHITECTS
1000 N. 10TH ST.
DENVER, CO. 80202

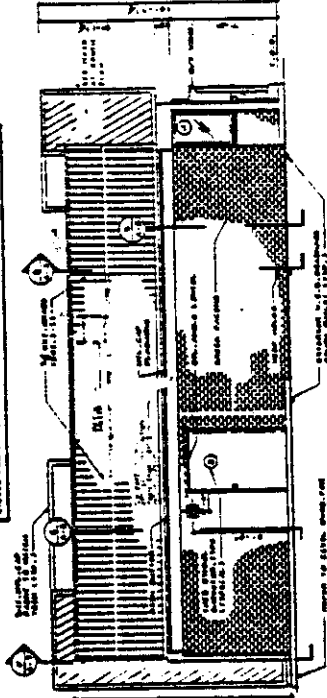
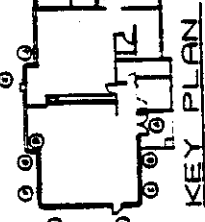
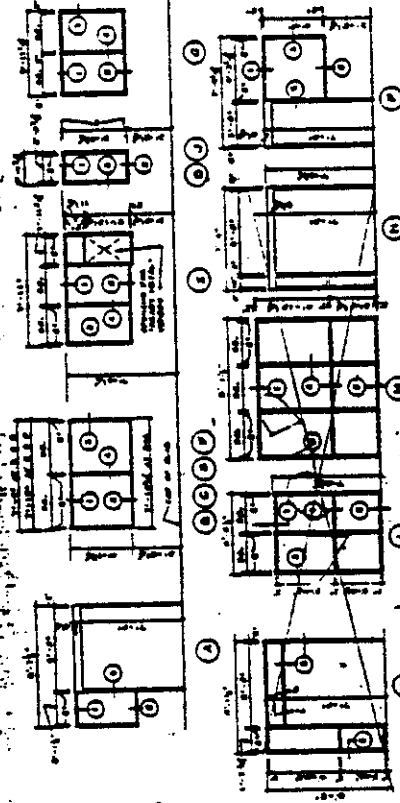
A-2
BK-50 WOOD
ELEVATION ELEVATIONS

ALUMINUM MULLION DETAILS

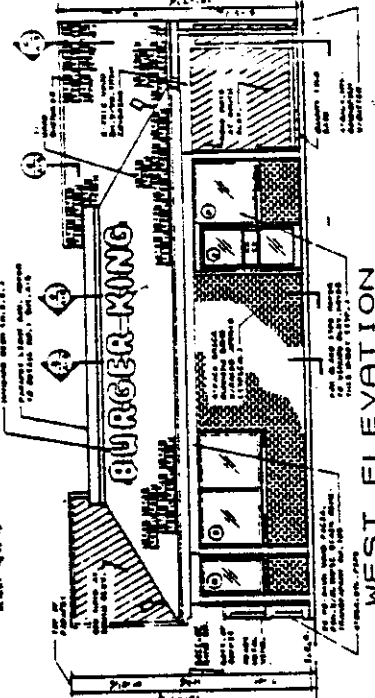


- DRIVE THRU WINDOW SPECIFICATIONS**
1. WINDOW SHALL BE 10' 0" HIGH BY 12' 0" WIDE.
 2. WINDOW SHALL BE 10' 0" HIGH BY 12' 0" WIDE.
 3. WINDOW SHALL BE 10' 0" HIGH BY 12' 0" WIDE.
 4. WINDOW SHALL BE 10' 0" HIGH BY 12' 0" WIDE.
 5. WINDOW SHALL BE 10' 0" HIGH BY 12' 0" WIDE.
- WINDOW ELEVATIONS NOTES:**
1. ALL WINDOWS ARE SUBJECT TO VENTILATION.
 2. WINDOW SHALL BE 10' 0" HIGH BY 12' 0" WIDE.
 3. WINDOW SHALL BE 10' 0" HIGH BY 12' 0" WIDE.
 4. WINDOW SHALL BE 10' 0" HIGH BY 12' 0" WIDE.
 5. WINDOW SHALL BE 10' 0" HIGH BY 12' 0" WIDE.
- ALTERNATE SIDING NOTE:**
- ALTERNATE SIDING SHALL BE USED WHERE SHOWN. ALL SIDING SHALL BE 1/2" THICK AND SHALL BE MATCHED TO THE EXISTING SIDING. ALL SIDING SHALL BE 1/2" THICK AND SHALL BE MATCHED TO THE EXISTING SIDING. ALL SIDING SHALL BE 1/2" THICK AND SHALL BE MATCHED TO THE EXISTING SIDING.

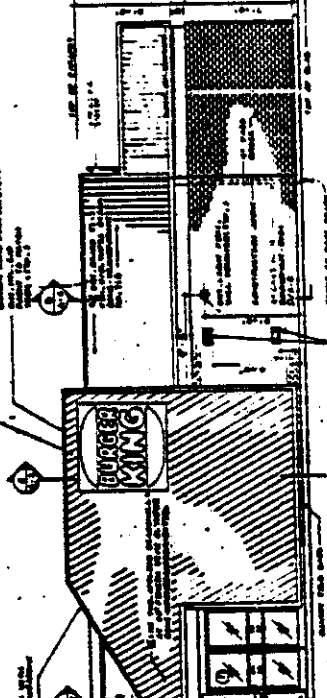
STOREFRONT ELEVATIONS



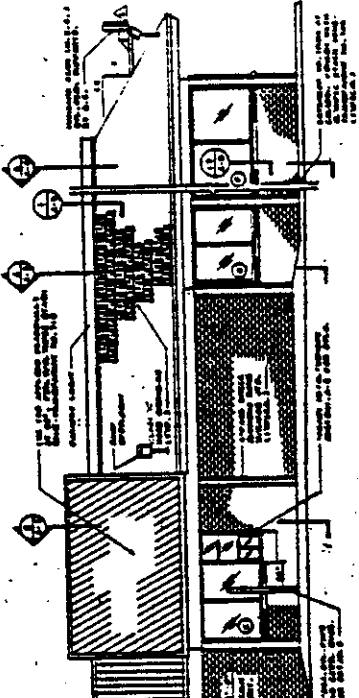
EAST ELEVATION



WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION

