

PLANNING COMMISSION

1231 'I' STREET, SUITE 200, SACRAMENTO, CA 95814

APPLICANT	JTS Engineering - 811 J Street, Sacramento, CA 95814
OWNER	Joe Lal - 390 Florin Road, Sacramento, CA 95831
PLANS BY	JTS Engineering - 811 J Street, Sacramento, CA 95814
FILING DATE	7-28-86
ENVIR. DET.	Ex. 15301(e)(1)
REPORT BY	EG:sg
ASSESSOR'S-PCL. NO.	031-800-10

APPLICATION: A. Special Permit Modification to allow extended hours, a trellis and an enlarged patio area for an existing fast food restaurant
B. Variance to waive eight required parking spaces

LOCATION: 7225 Greenhaven Drive

PROPOSAL: The applicant is requesting the necessary entitlements to provide outdoor seating for an existing fast food restaurant.

PROJECT INFORMATION:

1974 General Plan Designation: Commercial/Office
1976 South Pocket Community
Plan Designation: Lake Crest Village Shopping Center PUD
Existing Zoning of Site: SC(PUD)
Existing Land Use of Site: Fast food restaurant

Surrounding Land Use and Zoning:	Setbacks:	Required	Provided
North: Commercial; SC(PUD)	Front:	50'	50'+
South: Commercial; SC(PUD)	Side(Int):	0	35'+
East: Commercial; SC(PUD)	Rear:	0	37'+
West: Offices; OB-R(PUD)			

Parking Required: 32 spaces
Parking Provided: 24 spaces
Property Dimensions: Irregular
Property Area: ± 0.9 acres
Square Footage of Building: 3,285 sq. ft.
Height of Building: 15 ft.
Topography: Flat
Street Improvements: Existing
Utilities: Existing
Exterior Building Materials: Brick and wood

BACKGROUND INFORMATION: On July 14, 1977 the Planning Commission approved establishment of the 38+ acre Lake Crest Village PUD, including a 19+ acre shopping center at the southeast corner of Florin Road and Greenhaven Drive (P78-12). On May 11, 1978 the Commission approved a schematic plan amendment to include three additional free-standing structures on the periphery of the main parking lot of the shopping center (P-8166). On May 7, 1985 the Commission approved the construction of an 83 seat fast food restaurant with a drive-up window (P85-144) with conditions.

PROJECT EVALUATION: Staff has the following comments.

A. Land Use

The subject site is a 0.9+ acre lot which is developed with a 72 seat, 3,285 square foot fast food restaurant with a drive-up window. The site is located in the Lake Crest Village Shopping Center PUD and is zoned Shopping Center-PUD (SC(PUD)). The site is surrounded by retail-commercial uses to the north, south and east and office buildings to the west across Greenhaven Drive. The 1974 General Plan and the 1976 South Pocket Community Plan both designate the site for commercial uses.

B. Hours of Operation: The applicant is proposing the following changes:

1. Existing hours - Monday through Sunday from 7 a.m. to 11 p.m. (condition of approval (P85-144)).
2. Proposed hours - Sunday through Thursday from 6 a.m. to 12 midnight; Friday and Saturday from 6 a.m. to 2 a.m. The restaurant dining and food sales area would be closed to walk-in traffic at 10 p.m. and only the drive-through would be open until closing time.

Staff is concerned that the extended hours will further impact the residential neighborhood in the vicinity of the site. Since the Pocket/Meadowview area is not served by a fast food restaurant, many people could be drawn to the site at late night hours. Access to the site would be through residential subdivisions on residential/collector streets. This would be especially true of patrons using Greenhaven Drive. These patrons would be creating traffic and noise at a time of the evening when most residents are sleeping. Also, as a general rule, most 24 hour or extended hours fast food restaurants are located along major streets where other uses tend to buffer them from residential areas. Staff would like to note that two other restaurants are located in the shopping center. One of the restaurants is open 24 hours (Shari's) and the other (Round Table Pizza) is open until midnight on Friday and Saturday. These restaurants, however, do not cater to a high volume fast service patron, and their food tends to be consumed on the premises.

C. Outdoor Seating

The applicant proposes to construct a patio area and trellis along the south side of the building so that 25 seats can be added. The original permit (P85-144) made provisions for outdoor seating, however the plan was later modified by the applicant to delete the outdoor seating. Including both indoor seating(72) and the proposed outdoor seating, a total of 97 seats would be available for customer use.

D. Parking

The proposed outdoor seating would necessitate that eight additional parking spaces be provided. There are 24 parking spaces located on-site. All tenants within the shopping center have a reciprocal parking agreement (the attached letter from the applicant outlines the on-site parking). Staff has conducted on-site inspection on

August 22, 23 and 29. The site has been visited in both the A.M. and P.M. hours on the weekend and during the week. Staff observation indicates the early morning (before 9 A.M.) is the time in which the restaurant has the least impact on both on-site and off-site parking. The noon, afternoon and weekends are the time periods which most greatly impact the entire Lake Crest Village Shopping Center site. At these particular times it becomes difficult to find a parking space in the shopping center and some restaurant patrons were observed parking at the adjacent shoe store parking area and walking over to the fast food restaurant. In addition, the applicant is requesting to waive the eight additional spaces and has not explored alternatives (off-site parking) to simply waiving all eight spaces. Staff would therefore recommend the variance be denied.

E. Other Comments

Staff has contacted the Windwood Homeowners' Association and the manager of the Lake Crest Village Apartments, both of which would be the most directly affected by this proposal.

The Windwood Homeowners' Association chairperson indicated in a phone conversation with staff that they would object most to the extended hours which would create more noise and traffic problems. Any further comments which the association has will be submitted to the Commission at the September 11th meeting.

The Lake Crest Village Apartments manager indicated in a phone conversation with staff that their major problem is with the trash that is tossed out of cars or is blown by the wind onto their site. They feel that extended hours would only add to their daily cleanup problem.

The proposal was also reviewed by the Traffic, Public Works, Fire, Building Inspections, Police and Waste Removal divisions. No comments were received.

ENVIRONMENTAL DETERMINATION: The proposal is exempt from environmental review pursuant to State EIR Guidelines (CEQA, Section 15301 (e)(1)).

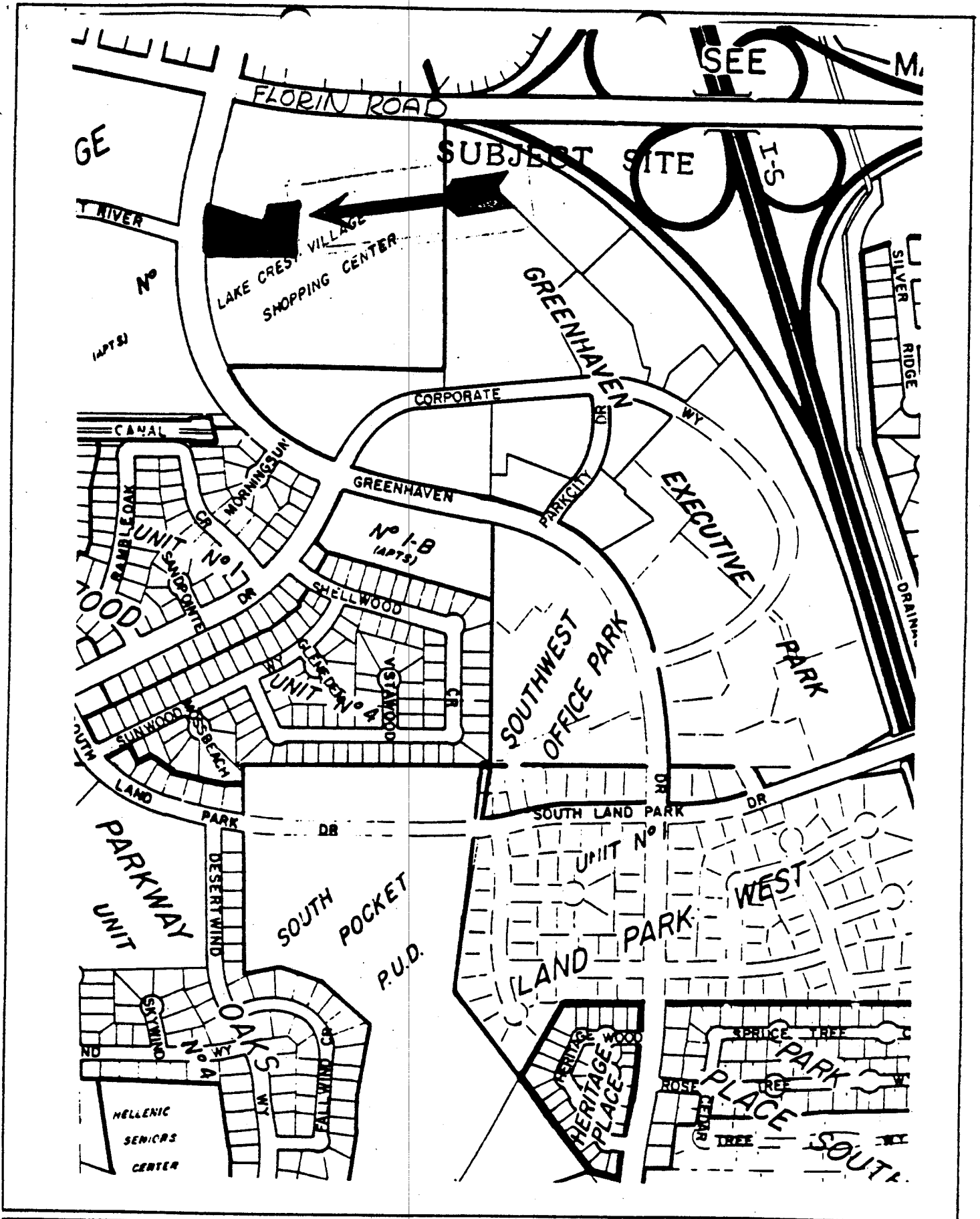
RECOMMENDATION: Staff recommends the following action:

- A. Deny the special permit modification, based on findings of fact which follow; and
- B. Deny the variance, based on findings of fact which follow.

Findings of Fact - Special Permit/Variance

1. The proposal is not based upon sound principles of land use in that adequate on-site parking is not provided.
2. The proposal would constitute a special privilege extended to one property owner in that available off-site parking may be available, if pursued, and the hardship is self-imposed.

3. The proposal will be injurious to the public welfare or to other property owners in the vicinity in that:
 - a. traffic and noise will be increased during the late evening hours; and
 - b. the existing trash problem will be increased.

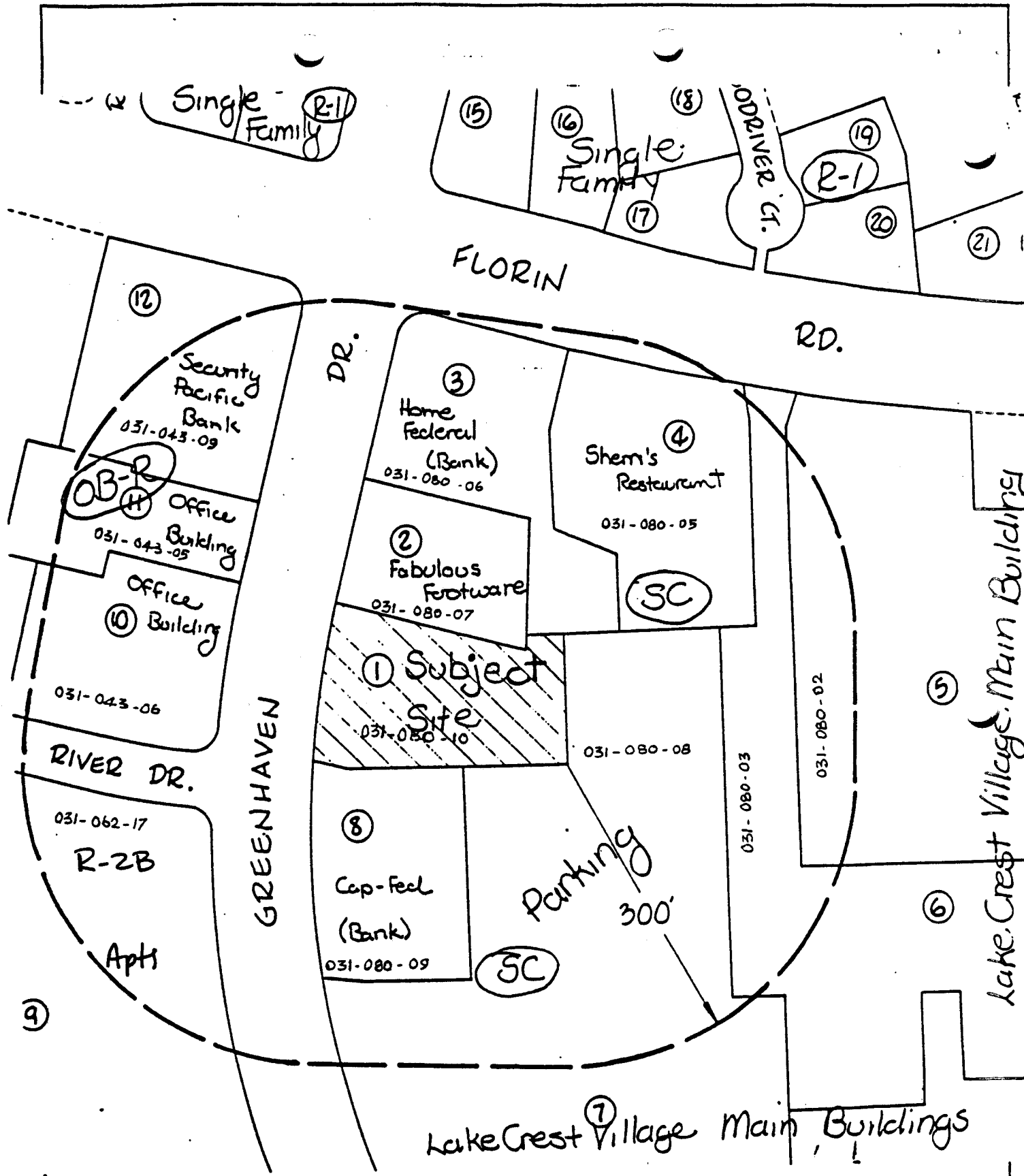


VICINITY MAP

P86-310
~~PREPARED~~

9-11-86
~~1-25-85~~

No. 15



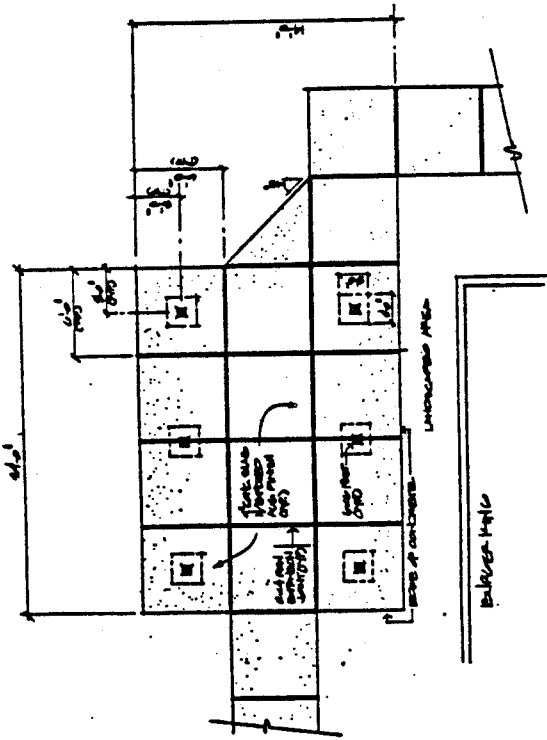
LAND USE & ZONING MAP

PB6-310
HARRIS

9-11-86

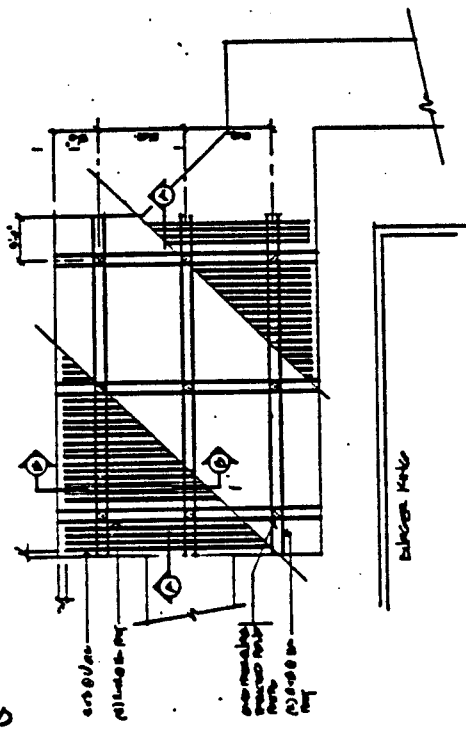
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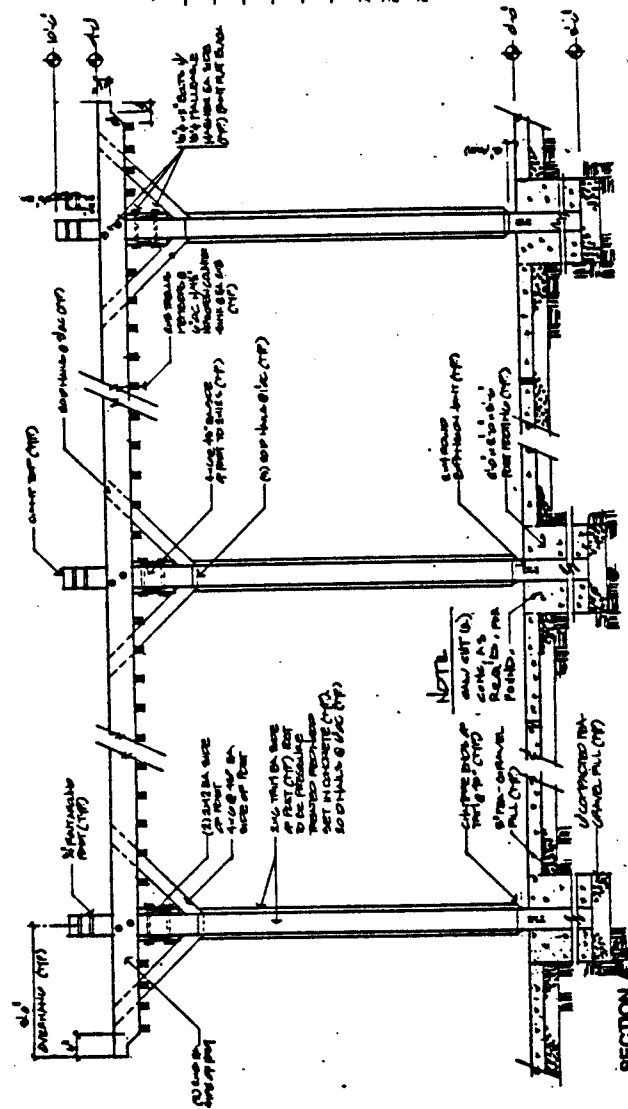


PATIO PLAN
Scale: 1/4" = 1'-0"

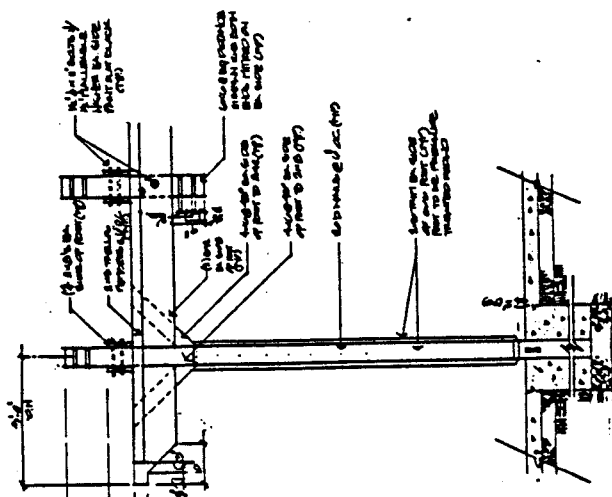
BURGER KNOX



TRELLIS PLAN
Scale: 1/4" = 1'-0"



SECTION A-A
Scale: 1/4" = 1'-0"



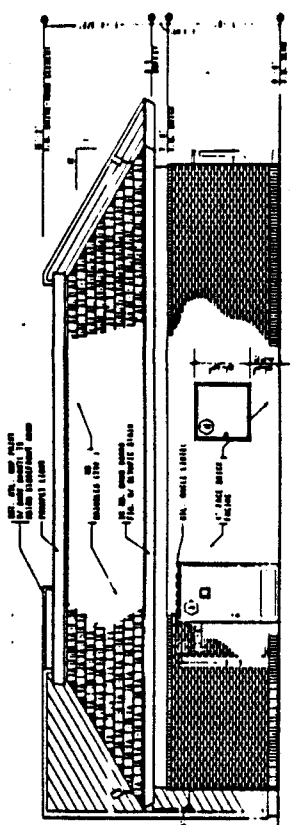
SECTION B-B
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TRELLIS PLAN

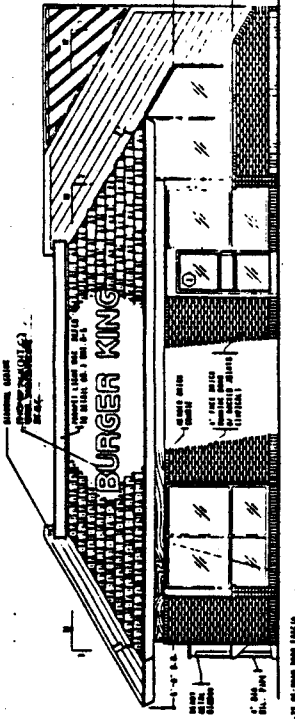
DATE	JULY 24, 1968
DRAWN BY	
CHECKED BY	
APPROVED BY	
PROJECT NO.	
CLIENT	
LOCATION	
DESCRIPTION	
SCALE	
DATE	
BY	
FOR	

9-11-81

Item 15



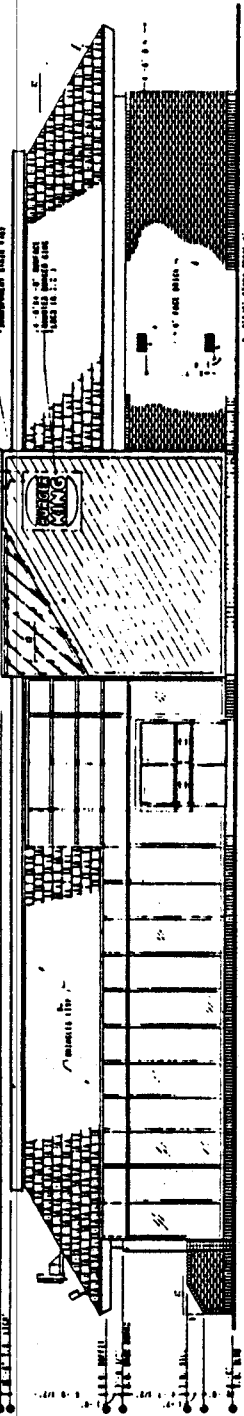
REAR ELEVATION



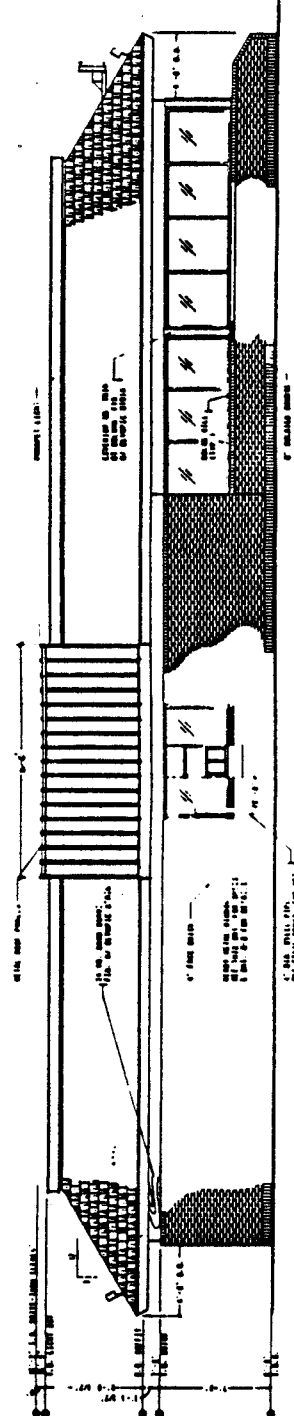
FRONT ELEVATION

NOTE:
1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. FINISHES ARE TO BE AS SHOWN ON SHEET 10.

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2. FINISHES ARE TO BE AS SHOWN ON SHEET 10.



MAIN ENTRANCE ELEVATION



DRIVE-THRU ELEVATION

PH-310
PAGE 44

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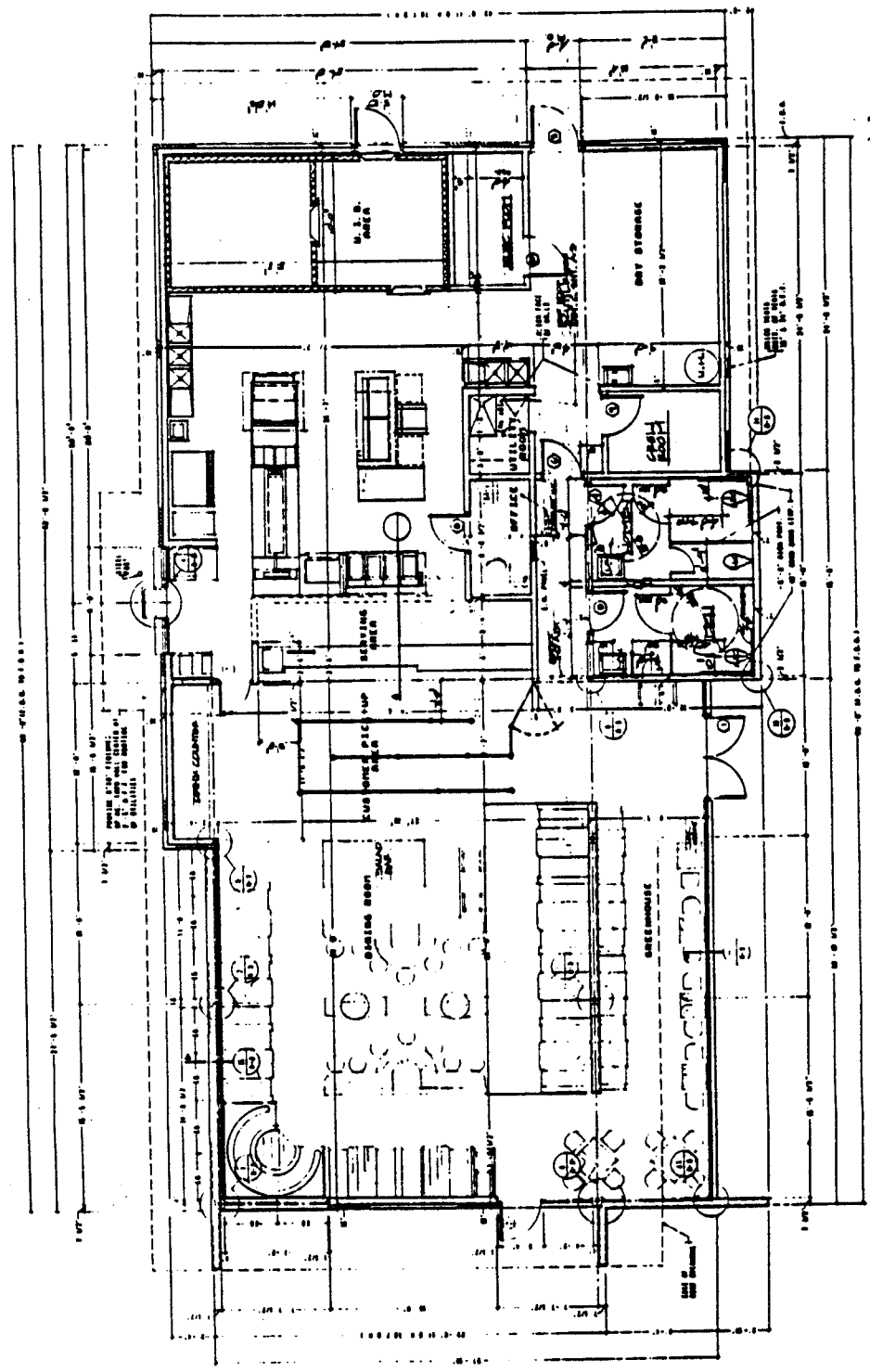
No. 15

NO.	DATE	REVISION

BURGER KING CORPORATION
RESTAURANT FOR:

HBR
 Consulting Architects

EXHIBIT D



FLOOR PLAN
 SCALE: 1/8" = 1'-0"
 DATE: 11-11-81

106-310

11-11-81

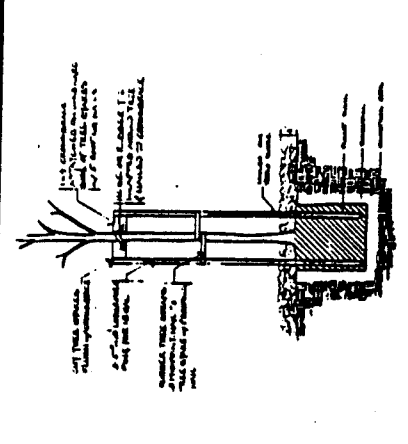
No. 107

Mark D. Bachhaus
Landscape Architect
844 17th Avenue
Brentwood, CA 98002
(408) 488-1870

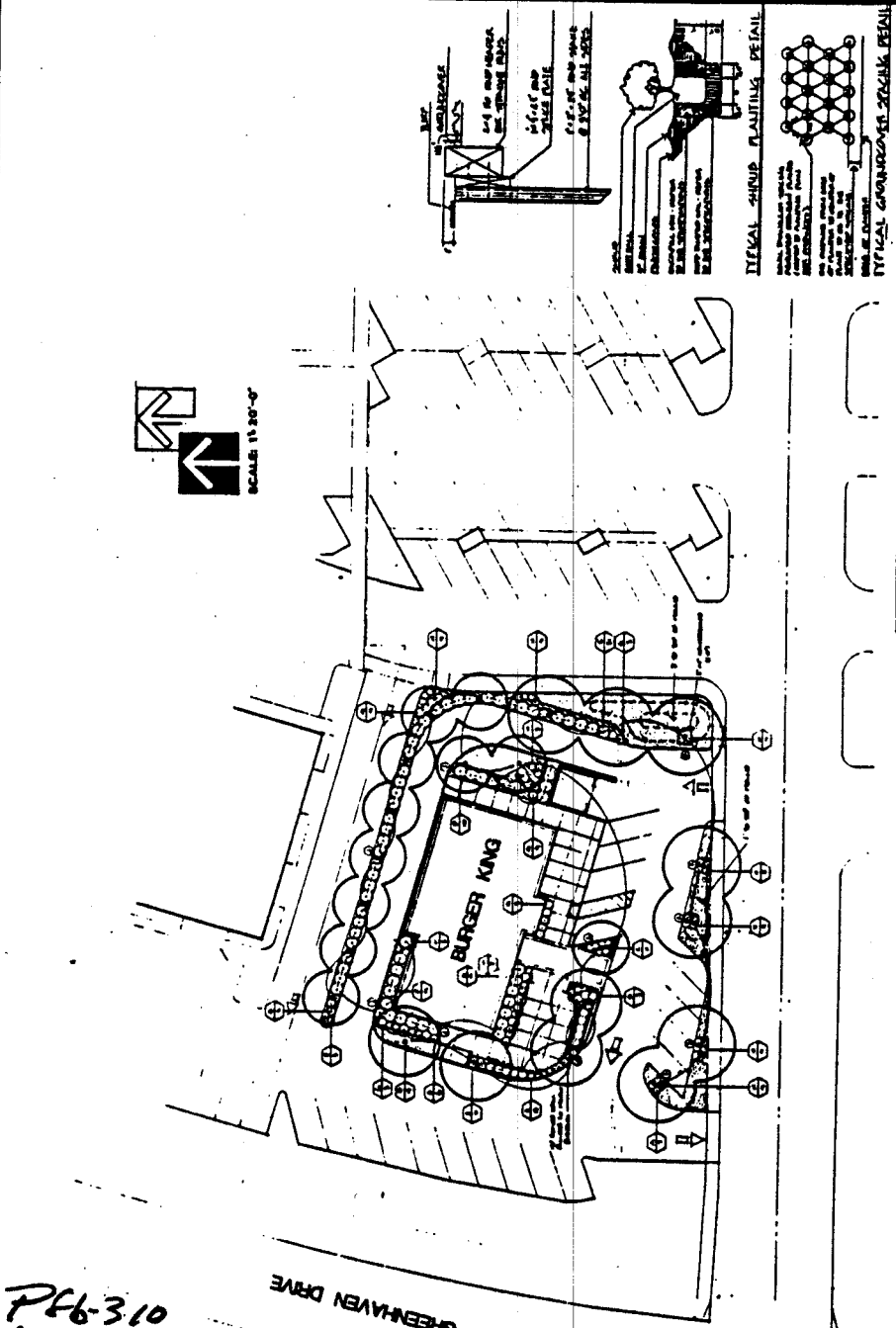
BURGER KING CORPORATION
RESTAURANT FOR:

DATE	11-11-86
BY	MD
CHECKED BY	
SCALE	1/4" = 1'-0"
SHEET NO.	15
TOTAL SHEETS	15

- LANDSCAPE SPECIFICATIONS**
- VEGETATION & MATERIALS:** The landscape contractor shall remove all existing trees, shrubs, and plants, and shall replace them with the plants specified on this plan. All plants shall be installed in accordance with the specifications on this plan.
 - PLANTING:** All landscape plants shall be installed in accordance with the specifications on this plan. All plants shall be installed in accordance with the specifications on this plan.
 - IRIGATION:** The landscape contractor shall install an irrigation system in accordance with the specifications on this plan. The irrigation system shall be installed in accordance with the specifications on this plan.
 - SOIL PREPARATION:** The landscape contractor shall prepare the soil in accordance with the specifications on this plan. The soil shall be prepared in accordance with the specifications on this plan.
 - PLANTING MATERIALS:** The landscape contractor shall use the plants and materials specified on this plan. The plants and materials shall be installed in accordance with the specifications on this plan.
 - PLANTING METHODS:** The landscape contractor shall use the planting methods specified on this plan. The planting methods shall be installed in accordance with the specifications on this plan.
 - PLANTING SCHEDULE:** The landscape contractor shall complete the planting in accordance with the specifications on this plan. The planting shall be completed in accordance with the specifications on this plan.
 - PLANTING GUARANTEE:** The landscape contractor shall guarantee the plants and materials for a period of one year. The guarantee shall be in accordance with the specifications on this plan.
 - PLANTING NOTES:** The landscape contractor shall follow the specifications on this plan. The specifications shall be followed in accordance with the specifications on this plan.

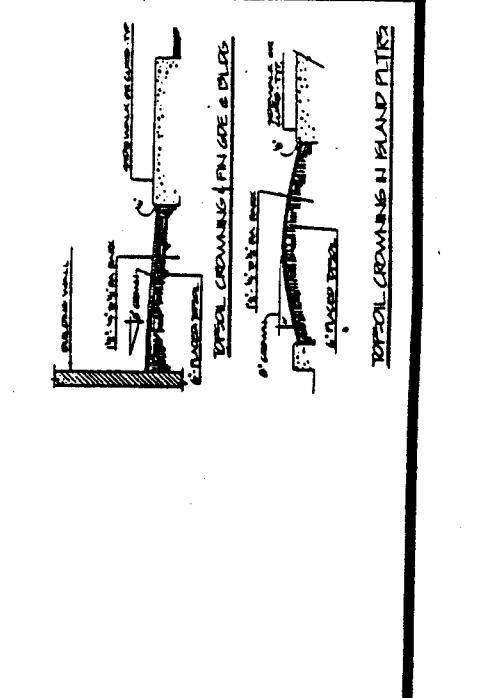


1. The landscape contractor shall install the plants and materials in accordance with the specifications on this plan.
2. The landscape contractor shall install the plants and materials in accordance with the specifications on this plan.
3. The landscape contractor shall install the plants and materials in accordance with the specifications on this plan.
4. The landscape contractor shall install the plants and materials in accordance with the specifications on this plan.
5. The landscape contractor shall install the plants and materials in accordance with the specifications on this plan.



PLANT LIST

LEV	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY	REMARKS
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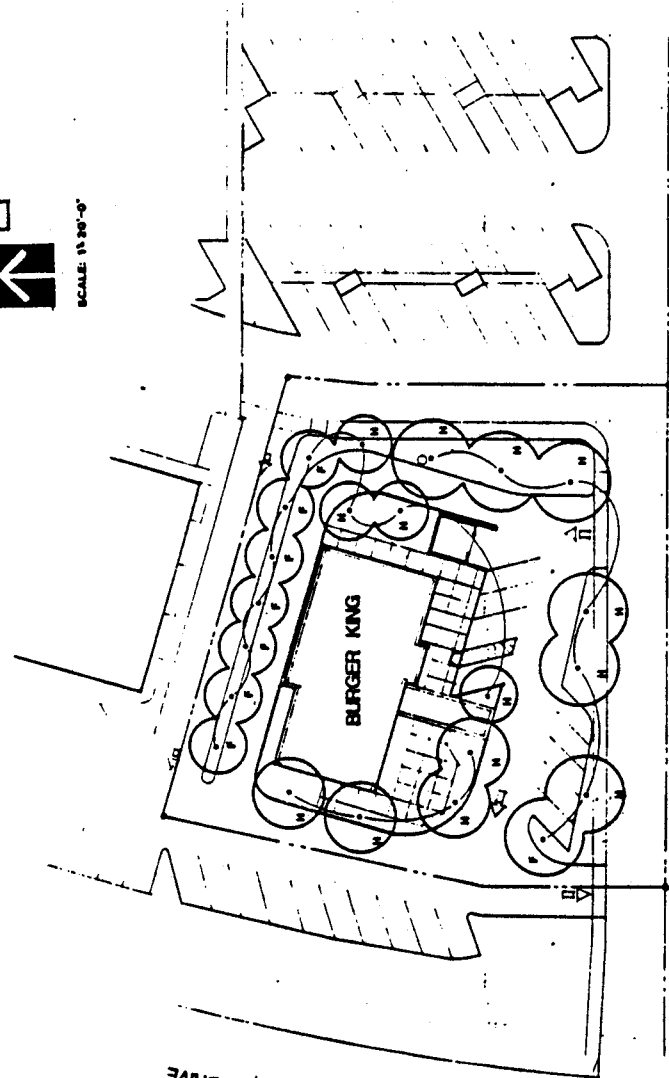
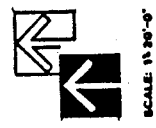
PROJECT:
 SHEET:
 DATE:
 DRAWN BY:
 CHECKED BY:
 SCALE: 1/8" = 1'-0"

BURGER KING CORPORATION
BURGER KING
 RESTAURANT FOR:
 Mark D. Backhaus
 Landscaper/Architect
 844 17th Avenue
 95819 Circle City, CA 95881
 (408) 487-1870



SHADE TREE ANALYSIS
 SACRAMENTO, CA

EXHIBIT F



SHADE VALUE OF TREE BY LOCATION ON SITE

TREE	FULL (100%)	HALL (50%)
1	100%	50%
2	100%	50%
3	100%	50%
4	100%	50%
5	100%	50%
6	100%	50%
7	100%	50%
8	100%	50%
9	100%	50%
10	100%	50%
11	100%	50%
12	100%	50%
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42	100%	50%
43	100%	50%
44	100%	50%
45	100%	50%
46	100%	50%
47	100%	50%
48	100%	50%
49	100%	50%
50	100%	50%

SHADE ANALYSIS

SITE AREA	24,000 sq. ft.
PAVED AREA	14,874 sq. ft.
SHADED AREA	8,200 sq. ft.
% AREA IN SHADE	34.1%

GREENHAVEN DRIVE

PK6-310

9-11-86

August 28, 1986

Mr. Fred Goodrich
Associate Planner
City of Sacramento
Planning and Community Development Department
1231 I Street
Sacramento, CA 95814

Re: Burger King on Greenhaven

Dear Mr. Goodrich:

This letter is in reference to our petition to extend the hours the Burger King at Greenhaven and Florin Road can remain open. The community here has been very receptive to our restaurant and supported us. The customers find that this store fills a need for this area and have asked that we extend the hours to even more completely fulfill the local need for excellent fast food and service.

In an effort to satisfy your questions and address your concerns, I would like to cover the areas of parking, noise, and trash.

PARKING - The lot never fills up during the breakfast time period. The non-peak hours leaves the parking lot about 20-30% full. Lunch time Monday through Friday 12 - 1p.m. only the lot fills completely and overflows to the common areas of parking behind the restaurant and in back of Famous Footwear both places do not have another demand at that time. The dinner peak hours are around 6 - 8 p.m., the lot is at 70 -80% capacity.

NOISE - The auto noise level during the later evening hours is very low. Cars only remain in the drive-through for 1 - 2 minutes. The noise level during the day is over-shadowed by the shopping center and Highway 5. We do not feel that either early breakfast traffic nor late night snackers would create a different noise problem.

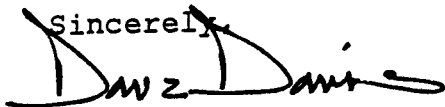
**BURGER
KING**

Page 2.

Mr. Fred Goodrich

TRASH - We have daily pick up for the trash containers which are in an enclosed area. Each morning, the Burger King lot and the surrounding areas are policed for trash. During the operating hours, the lot and surrounding areas are policed for trash at least every 15 - 20 minutes. This would remain so even with extended hours.

The above observations are based on my experience on a day to day basis as I have been in the Burger King in my capacity as Director of Operations. It is my belief that we need the extended hours and outside seating to better meet the demands and expectations of the customers - the surrounding community. If needed, we would be happy to make an actual daily count of the traffic situation and address any other concerns that you or the Department may have regarding this issue.

Sincerely,


Dave Davis
Director of Operations

cc: Joe Lal
Erv Gon