

**CITY PLANNING COMMISSION**  
1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814

**APPLICANT** Thomas Westley - 1371 Garden Hwy., Suite 200, Sacramento, CA 95833  
**OWNER** Riverbank Holding Co. - 1371 Garden Hwy., Suite 200, Sacramento, CA 95833  
**PLANS BY** Loren Moore Construction Co. - 1387 Garden Hwy., Ste 200, Sacto 95833  
**FILING DATE** 11-18-88 **ENVIR. DET.** Neg. Dec. **REPORT BY** BW:sg  
**ASSESSOR'S PCL. NO.** 274-0320-035,036; 274-0050-027

**APPLICATION:**

- A. Negative Declaration
- B. Special Permit Modification to increase the number of seats allowed for two restaurants and construct an outdoor deck area for one restaurant on 3.0+ developed acres in the Floodway (Planned Unit Development) (FW(PUD)) zone
- C. Special Permit to develop a temporary parking lot in the American River Parkway Flood (ARP-F) zone
- D. Variance to allow 40 valet parking spaces on-site
- E. Variance to allow 109 temporary off-site parking spaces in the American River Parkway Flood (ARP-F) zone
- F. Variance to waive the parking lot paving and drainage requirements
- G. Variance to waive the shading and landscaping requirements

**LOCATION:** 1361-1401 Garden Highway

**PROPOSAL:** The applicant is requesting the necessary entitlements to allow temporary off-site parking and modify the special permit for Chevy's restaurant.

**PROJECT INFORMATION:**

General Plan Designation:	Parks, Recreation, Open Space
1988 South Natomas Community Plan Designation:	Riverfront District
Existing Zoning of Site:	FW(PUD)/ARP-F
Existing Land Use of Site:	Vacant/Restaurant

**Surrounding Land Use and Zoning:**

North: Commercial, office, residential; OB, R-1  
South: Sacramento River; F  
East: Bannon Island, vacant; ARP-F  
West: Restaurant, office, vacant; FW(PUD)

Parking Required:	373 spaces (97 spaces required off-site)
Parking Provided:	276 spaces
Property Dimensions:	Irregular
Property Area:	3.0+ acres

**APPLC. NO.** P89-005 **MEETING DATE** January 12, 1989 **ITEM NO.** 19

Height of Building:	35' from crown of levee
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing
Exterior Building Materials:	Wood
Roof Material:	Metal

PROJECT EVALUATION: Staff has the following comments:

A. Land Use and Zoning

The subject site consists of vacant lots, restaurants, retail, office and a marina on 3.0+ developed acres known as the Riverbank Marina/Village Marina. The project site is located in the American River Parkway Flood (ARP-F) zone in the Village Marina and is designated for parks, recreation and open space in the General Plan. The restaurants are located in the Riverbank Marina in the FW(PUD) zone. Surrounding land uses and zoning include commercial, office and residential to the north, zoned OB and R-1; Sacramento River to the south, zoned F; Bannan Island to the east, zoned ARP-F and a vacant lot planned for residential, restaurants and offices to the west, zoned FW(PUD).

B. Applicant's Proposal

The applicant is requesting a special permit modification (P-9307) to increase the number of seats allowed in the Riverbank Marina restaurants, and construct an outdoor deck area for Chevy's Restaurant. A variance is also requested by the applicant to allow 40 valet parking spaces on-site and 109 temporary off-site parking spaces. The applicant is requesting a variance to waive the required standard parking lot improvements for the off-site parking. The applicant has indicated to staff that the hours of operation for the businesses on the Riverbank Marina range between 8:00 a.m. to 2:00 a.m. daily. There is a total of 150 employees; and 75 employees per shift.

C. Chevy's Restaurant/Ricky's Grill/Valet Parking

The original special permit (P-9307) which was approved on January 6, 1983 designated Chevy's Restaurant site for a 150 seat restaurant (50 parking spaces). The existing Chevy's Restaurant has 315 seats which require 105 parking spaces. In addition, the outdoor deck area for Chevy's was constructed subsequent to the original approved site plan. The outdoor deck area was built to provide an additional 165 seats for the restaurant. The City requires that any modifications or expansions of a special permit project be reviewed and approved by the Commission. Forty (40) valet parking spaces exist on the subject site which were never approved in the original special permit. The valet parking is located underneath Chevy's Restaurant. The Zoning Ordinance does not allow valet parking in the City, therefore, a variance is required.

The original number of seats for Ricky's Grill were 220 (73 parking spaces). Staff has been informed that the restaurant now has 270 seats (90 parking

spaces). Since 50 new seats have been added, the applicant must provide 17 additional parking spaces.

The remaining retail, office and restaurant type uses in the Riverbank Marina are also required to meet the City's parking requirements.

D. Parking Requirement

Based on staff's analysis of the existing Riverbank Marina parking, the marina is short 97 parking spaces on-site. Listed below is a breakdown of the parking requirements for the different uses currently on-site.

- Restaurants: (1:3)	718 seats =	239 spaces
- Retail: (1:250)	4,808 sq. ft. =	19 spaces
- Office: (1:400)	9,802 sq. ft. =	25 spaces
- Boat Slips (1:2)	179	= 90 spaces
	Total	= 373 spaces
Parking On-Site	. . . . .	276 spaces
Required Off-site	. . . . .	97 spaces

As previously noted, the applicant is applying for a variance to allow 109 additional temporary off-site parking spaces. The 109 parking spaces will conform to the parking requirements of the City Zoning Ordinance for the Marina complex. The applicant submitted to staff two alternative temporary off-site parking locations (see Exhibit A). Staff selected alternative B site location. The applicant indicated to staff that they are expecting to start construction of the first phase of the condominium project, therefore, the preferred parking location (alternative B) is a more appropriate site for temporary parking. The future condominium project will provide at least 97 permanent parking spaces for the marina complex and the new condominiums.

Staff indicated to the applicant that a signed agreement between the City and the applicant shall be established which will allow the temporary parking to exist for a maximum of two years, provided that the application for a building permit for permanent parking in the condominium project is obtained no later than August 1, 1990; construction commences no later than September 15, 1990; and construction of the permanent parking is completed within six months of its commencement. The applicant has agreed to this condition (see Exhibit C). Staff supports the variance to allow temporary off-site parking (alternative B) for the Riverbank Marina complex.

E. Design

The proposed temporary off-site parking site (alternative B) is located east of the Riverbank Marina Complex fronting on Garden Highway. The subject site is approximately 430 feet from Chevy's Restaurant. Staff observed that there is a cyclone fence with barbed wire along the perimeter of the parking lot. Currently there are pole lights on the subject site and a card key gate for employees to enter the site. Staff also observed that the lot is made of gravel and rock and there were a few pot holes at the driveway entrance of the parking lot. Large trees also exist around the parking lot area.

It is a City requirement that new parking lots be paved, shaded and striped to City standards. In this instance, staff supports the variance to waive the paving and shading requirements. Since permanent parking spaces will be provided at either locations within two years. In regard to shading, shade trees exist along the perimeter of the proposed parking site which provides some shade during Summer and Spring months. Staff, however, recommends that the existing driveway entrance adjacent to the lot be improved to the satisfaction of the Traffic Engineering Department.

The City's Environmental Coordinator had no problems with the site location, but recommended that a paved, lighted pedestrian walkway with direct access between the proposed off-site parking lot and the existing Chevy's Restaurant be provided. The applicant shall also provide overhead lighting for the parking lot. The paved lighted walkway material shall be reviewed and approved by the Public Works Department.

F. Conclusion

The applicant requested a variance to allow 40 valet parking spaces on-site. Typically, valet parking is not allowed in the City of Sacramento. In this instance, staff supports the variance to allow valet parking since there is limited parking available for the marina uses. The applicant shall allow the existing valet parking spaces to be available during morning and evening hours. Staff supports the special permit modification to increase the number of seats in both Ricky's and Chevy's Restaurants and approve the design of the outdoor deck. The proposed 109 parking spaces off-site will make up for the parking shortage existing at the Riverbank Marina.

G. Agency Comments

The proposed project was reviewed by the City's Traffic Engineer, Engineering Division, Building Inspections, City Water and Sewer, Real Estate and Reclamation District 1000. The following comments were received:

1. Traffic Engineering

The Traffic Engineering section had no objections to the location, ingress and egress or circulation of the proposed temporary parking site.

2. Engineering

The Engineering Division indicated to staff that they were concerned with the parking lot located in the floodway zone, prohibiting patrons from parking in the lot when a flood occurs. They were also concerned with pedestrian access from the parking lot to the restaurant, and will the outdoor deck be closed when the parking lot is unusable.

3. Reclamation District 1000 . . . See Exhibit D.

ENVIRONMENTAL DETERMINATION: The Environmental Coordinator has determined that the project as proposed will not have a significant impact on the environment, therefore, a negative declaration has been prepared with the following mandatory mitigation measure:

The applicant shall provide a paved, lighted pedestrian walkway with direct access between the proposed parking lot and the existing Chevy's Restaurant. The applicant shall also provide overhead lighting for the parking lot.

RECOMMENDATION: Staff recommends the following actions:

- A. Ratify the negative declaration;
- B. Approve the special permit modification to increase the number of seats allowed in Chevy's and Ricky's Restaurants and design of an outdoor deck subject to conditions and based upon findings of fact which follow;
- C. Approve the special permit to develop a temporary parking lot in the American River Parkway Flood (ARP-F) zone;
- D. Approve the variance to allow 40 valet parking spaces on-site with conditions and based upon findings of fact which follow;
- E. Approve the variance to allow 109 temporary off-site parking spaces with conditions and based on findings of fact which follow;
- F. Approve the variance to waive the parking lot paving and drainage requirements subject to conditions and based on findings of fact which follow; and
- G. Approve the variance to waive the shading and landscaping requirements subject to conditions and based on findings of fact which follow.

Conditions - Special Permit/Variance

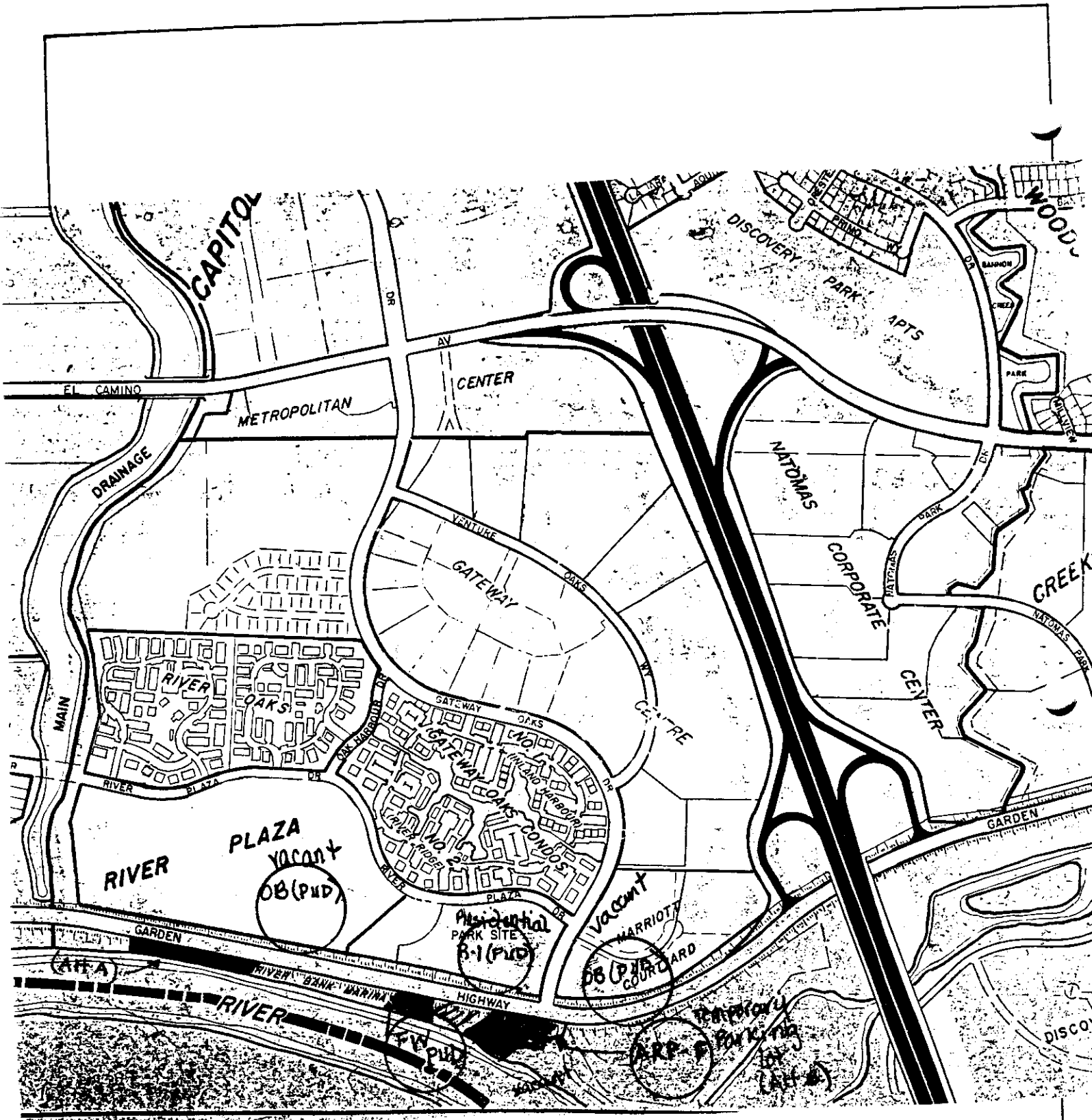
- 1. The applicant shall provide a paved, lighted pedestrian walkway with direct access between the proposed off-site parking lot and the existing Chevy's Restaurant. The applicant shall provide overhead lighting for the parking lot.
- 2. The applicant shall allow the existing valet parking spaces to be available during morning and evening hours.

3. The applicant shall sign an agreement with the City that allows the temporary parking to exist for a maximum of two years, provided that the application for a building permit be obtained no later than August 1, 1990 for permanent parking on the condominium project west of the marina; construction commences no later than September 15, 1990; and construction of a permanent parking lot at either location indicated on Exhibit A is completed within six months of its commencement.
4. The driveway entrance adjacent to the temporary parking lot (Alternative B) shall be improved to the satisfaction of the Traffic Engineering Department.
5. The paved walkway material shall be reviewed and approved by the Public Works Department.
6. The temporary parking lot (Alternative B) shall be permanently removed after August 1, 1990 or improved to City parking lot standards.

Findings of Fact - Variance/Special Permit

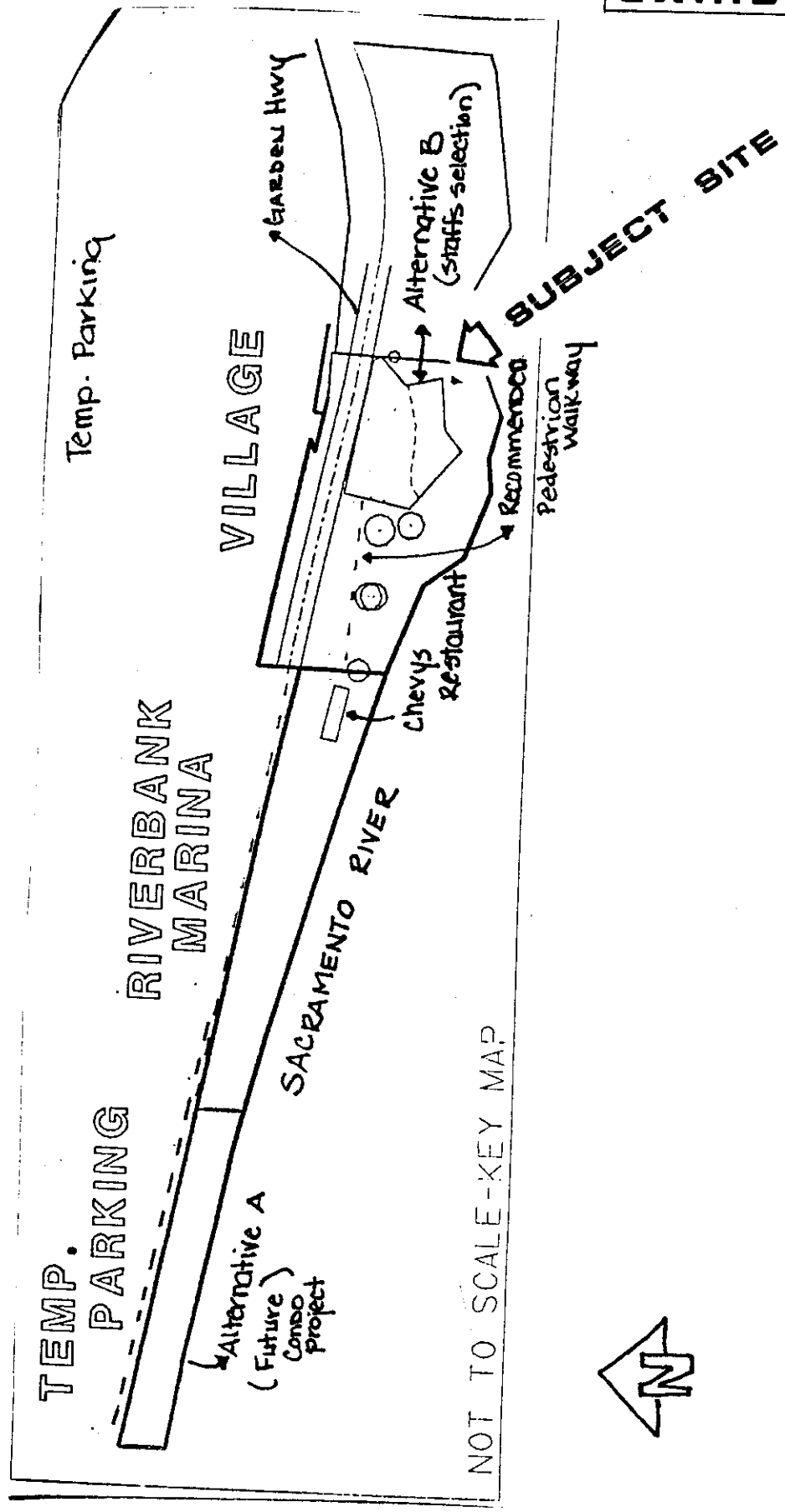
1. The project, as conditioned, is based on sound principles of land use in that the subject site is compatible with surrounding land uses in the area which includes a mixed use retail, office and commercial uses and parking areas.
2. The project, as conditioned, will not be detrimental to the public health, safety or welfare, nor result in the creation of a nuisance in that the parking lot would provide an adequate parking supply to serve the Riverbank Marina complex and a permanent parking lot will be constructed by March 1991; and a lighted, paved pedestrian walkway is being constructed for the patrons safety between the temporary lot and Chevy's Restaurant.
3. Granting the variance does not constitute a special privilege because:
  - a. the applicant has agreed to construct a permanent parking lot at either site by March 1991;
  - b. temporary parking will only exist for a maximum period of two years until a permanent lot is constructed;
  - c. similar off-site parking variances have been granted in the City; and
  - d. the additional valet parking will alleviate some of the parking problems in the area during morning and evening hours.

4. The proposed project is consistent with the General Plan and 1988 South Natomas Community Plan which designate the site for Parks, Recreation and Open Space and the Riverfront District respectively



**VICINITY - LAND USE - ZONING** ↑  
N





NOT TO SCALE-KEY MAP



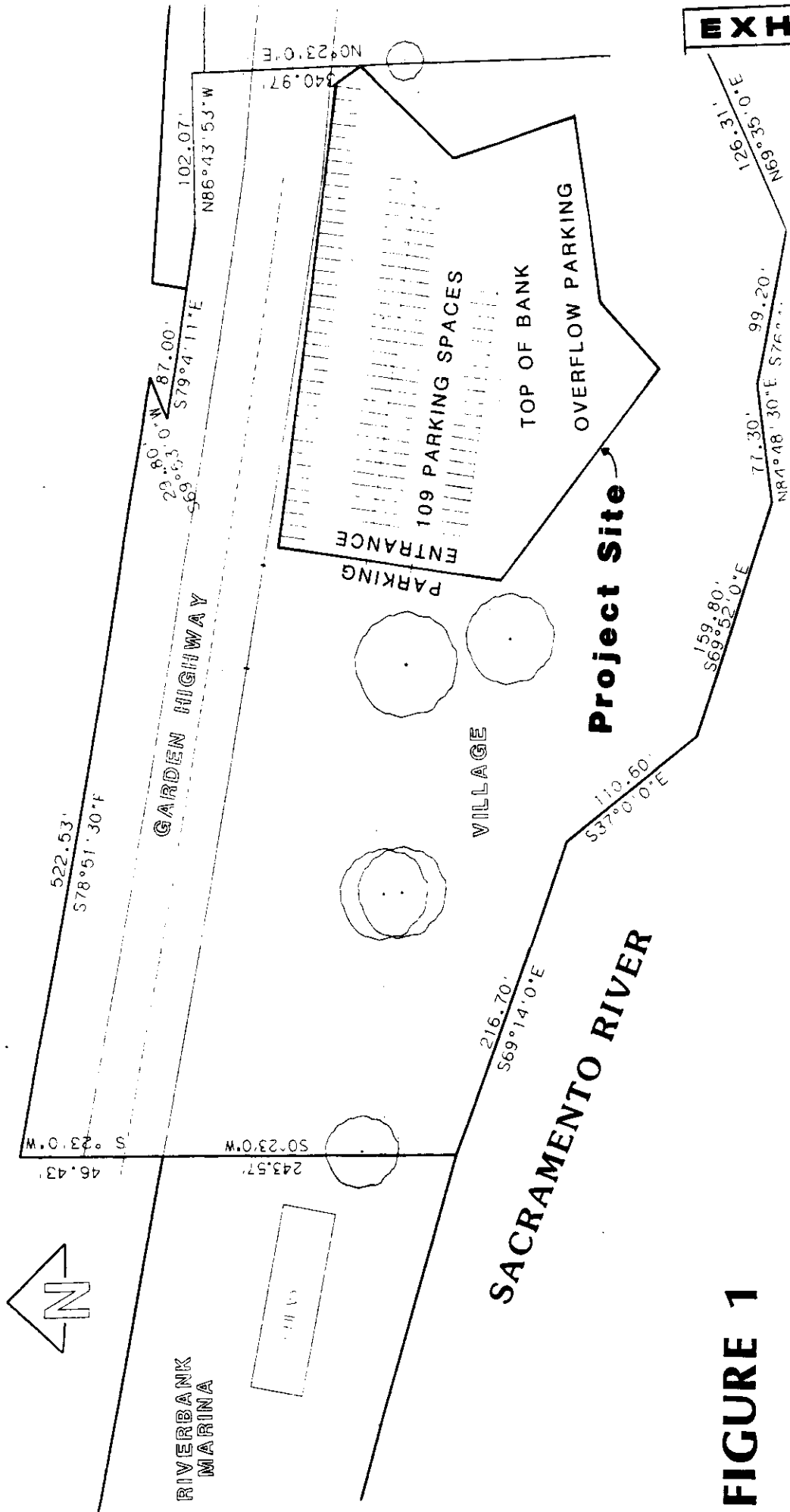


FIGURE 1  
PROJECT LOCATION

# SND

Sierra National Development

December 29, 1988

Art Gee  
Principal Planner  
City of Sacramento  
1231 I Street, Room 200  
Sacramento, CA 95814

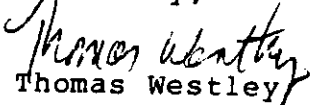
Re: Riverbank Holding Company Temporary Parking

Dear Art:

Riverbank agrees to sign an agreement with the City that allows the requested temporary parking to exist for a maximum of two years, provided that the application for a building permit for permanent parking on the residential parcel to the west of the existing Riverbank improvements is filed no later than August 1, 1990; construction commences no later than September 15, 1990; and construction of the permanent parking is completed within six months of it's commencement.

Thank you for your courtesy in this matter. If there are questions please do not hesitate to write or call.

Sincerely,



Thomas Westley  
Managing General Partner  
Riverbank Holding Company

**RECLAMATION DISTRICT No. 1000**  
1633 GARDEN HIGHWAY  
SACRAMENTO, CALIFORNIA 95833  
922-1449

December 14, 1988

Bridgette Williams  
Planning Department  
City of Sacramento  
1231 I Street Room 200  
Sacramento, CA 95814

RE:P89-005  
Special Permit and Variance

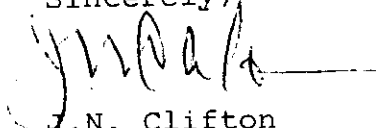
Dear Bridgette,

I am in receipt of Dawn Holm's correspondence regarding the subject request.

For some time now the District has been very concerned regarding hazardous parking and the traffic conditions on Garden Highway in the vicinity of the Riverbank Marina complex. Enclosed please find correspondence and a resolution to that effect.

In addition I think it is very unwise to allow parking in the floodway. The drawings provided did not indicate that parking area. I also believe you should have the State Reclamation Board comment on this. By copy of this correspondence to Ray Barsch will you please provide the Boards comments regarding this matter.

Reclamation District No. 1000 recommends strongly that the City Planning Commission and City Council, if required, deny the subject request.

Sincerely,  
  
J.N. Clifton  
District Engineer

JC:tf  
enclosures  
CC:Ray Barsch w/enclosures

P89-005

1-12-89

Item 19

LAW OFFICES OF  
**DOWNEY, BRAND, SEYMOUR & ROHWER**

555 CAPITOL MALL, 10TH FLOOR  
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 KATHRYN J. TOBIAS

September 8, 1988

City Council  
 City of Sacramento  
 Mayor/Council Office  
 915 I Street, Room 205  
 Sacramento, CA 95814

Re: Reclamation District No. 1000  
 Resolution Re Hazardous Conditions  
 Along the Garden Highway

Dear Members of the City Council:

On behalf of the Board of Directors of Reclamation District No. 1000, we hereby present to the City the enclosed Resolution regarding hazardous conditions along Garden Highway.

The Board has become increasingly concerned regarding the hazardous parking and traffic conditions along the Garden Highway between the District office and Interstate Highway 5. It appears that these conditions have been generated by the recent development of restaurants, bars, and marinas with inadequate offstreet parking and/or inadequate parking restrictions. The result is cars lined up on either side of the Garden Highway, a two-lane road perched on top of a levee. This area is not designed or intended for such parking. The fact that many who park and drive in this vicinity are patronizing facilities serving alcoholic beverages cannot help but exacerbate the situation.

This section of Garden Highway is located within the City of Sacramento. The City is the responsible entity with regard to land use planning, traffic and parking. The District believes it appropriate to bring this dangerous situation to the City's attention, since the District itself is not empowered to otherwise address the problem presented. Please be advised that the District will be required to look to the City for indemnification should the District be sued as a result of this situation.


September 8, 1988

Page Two.

The City's immediate attention to this problem is requested, as outlined in the enclosed resolution.

Sincerely,

DOWNEY, BRAND, SEYMOUR & ROHWER

By   
MARTHA H. LENNIHAN  
Attorneys for Reclamation  
District No. 1000

MHL:jpb  
Encl.  
M1030

cc with enclosures: Board of Trustees, RD 1000  
Riverbank Holding Company  
Laraine Patching, Virgin Sturgeon  
Riverbank Village

P89-005

1-12-89

Item 19

**RESOLUTION OF THE BOARD OF TRUSTEES OF  
RECLAMATION DISTRICT NO. 1000 REGARDING  
HAZARDOUS TRAFFIC CONDITIONS ALONG THE  
GARDEN HIGHWAY**

**WHEREAS**, the recent marina and restaurant development along the Garden Highway between Interstate Highway 5 and the District office has generated substantial traffic and on-street parking; and

**WHEREAS**, it has come to the District Board's attention that such traffic and parking create a significant hazardous condition along Garden Highway due in part to the traffic congestion, low visibility, proximity to steep levee banks, and vehicle speeds; and

**WHEREAS**, the City of Sacramento, and not the District, has the authority and responsibility to regulate parking and traffic conditions, and the development which generates such conditions;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Trustees of Reclamation District No. 1000 hereby requests the City of Sacramento to remedy the hazardous parking and traffic conditions along the section of Garden Highway between Interstate Highway 5 and the District office at 1633 Garden Highway, and to prohibit parking along the Garden Highway until such remedy as the City may select is implemented.

**PASSED AND ADOPTED THIS 12th day of August 1988, by the following vote:**

<b>AYES:</b>	<u>5</u>
<b>NOES:</b>	<u>0</u>
<b>ABSENT:</b>	<u>0</u>

*Richard D. Willey*  
 Richard D. Willey  
 President, Board of Trustees  
 RECLAMATION DISTRICT NO. 1000

CERTIFICATE

I, Karoline Steinbuck-Myers, do hereby certify that I am now and at all times hereinabove mentioned have been the duly appointed, qualified and acting secretary of Reclamation District No. 1000 and that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the Board of Directors of said District on the 12th day of August 1988, a majority in quorum of the members of said Board present and voting in favor of the resolution and that said resolution has not been modified, rescinded, altered or amended and is now in full force and effect.

Dated: August 12, 1988.

*Karoline Steinbuck-Myers*  
Karoline Steinbuck-Myers  
Secretary  
Reclamation District No. 1000