
P95-106 - Jammin' Salmon Special Permit Modification Project

REQUEST: A. Special Permit Modification to omit condition #22 of the original project approval which stipulated that a 24 month expiration would occur if the original conditions of approval were not met for the Jammin' Salmon Restaurant on 3.85± developed acres in the Flood (F) zone.

LOCATION: 1801 Garden Highway
APN: 274-0034-063
South Natomas Community Plan Area
Natomas School District
Council District 1

APPLICANT/BUSINESS OWNER:	Doyle Bailie (916) 791-5472 1801 Garden Highway Sacramento, CA 95833
LAND OWNER:	Ed Coyne 901 Tamalpais Ave. #200 San Rafael, CA 94901
APPLICATION FILED:	November 1, 1995
STAFF CONTACT:	Hilary Perry, 264-5698

SUMMARY/RECOMMENDATION: An application for a Special Permit for the Jammin' Salmon restaurant was submitted in 1991, and on November 18, 1993 the Planning Commission approved the Special Permit for a 49 seat restaurant (P91-158). The Special Permit was conditioned to expire 24 months after approval (11/18/95), unless a complete application for a Special Permit Modification requesting additional time was submitted 30 days prior to the expiration of the Special Permit. The condition stipulated that the 24 month time restriction could be removed by the Planning Commission if the restaurant owner complied with the conditions of approval. At this time the project applicant is requesting that the 24 month Special Permit time restriction be removed.

Staff recommends approval of the project. The applicant has complied with the

conditions of approval, with the minor exception of two conditions. The two conditions that were not met included the condition that the applicant submit for the subject project 30 days prior to the expiration of the Special Permit (by 10/18/95), and a condition of the Variance approval that required that "at any time the parking lot is flooded by more than six inches of water, the restaurant shall be closed until such time as the water recedes." The violation of this last condition may have occurred in January 1995, when excessive rain resulted in water not draining from the parking lot and pumping was required. The pumping was delayed due to the unavailability of pumping equipment resulting from citywide localized flooding situations. Given that the applicant has met all of the other 25 conditions of the previous approval, and given that the applicant has made a diligent effort to meet the fore mentioned two conditions, staff recommends that the Planning Commission approve the subject request.

PROJECT INFORMATION:

General Plan Designation:	Parks, Recreation, Open Space
Community Plan Designation:	Riverfront District
Existing Land Use of Site:	Marina, Restaurant, and Townhouses
Existing Zoning of Site:	Flood(F)

Surrounding Land Use and Zoning:

North: Swallow's Nest Condos; R-1A
 South: Sacramento River and Marina; F
 East: Vacant and Marina; F
 West: Townhouses and Single Family; F

Property Dimensions:	Irregular
Property Area:	3.85 \pm gross
Height of Existing Building:	3 stories
Square Footage of Existing Restaurant:	1,856 square feet
Seating Capacity of Restaurant:	49 seats
Topography:	Sloped
Street Improvements:	Existing
Utilities:	Existing

OTHER APPROVALS REQUIRED:

The applicant will not need to obtain any additional permits or approvals.

BACKGROUND INFORMATION:

The Jammin' Salmon Restaurant is developed on 3.85 \pm acres. The subject site was annexed into the South Natomas Community Plan area on July 3, 1984. On September

4, 1985, the City Council approved an amendment of the South Natomas Community Plan to allow a marina and residential mixed use project in the Riverfront District (P84-187). That request also included a Special Permit to develop 13 townhouses and to expand an existing marina from 82 berths to 135 berths. Parking for the marina was to be located under the townhouses. The existing marina is developed with 116 berths. At the time of annexation, the existing restaurant was a deli on the first floor, there was an architect's office located on the second floor, and there was an apartment on the third floor of the floating barge. In 1989, the deli was converted into a full service restaurant and operated as a restaurant without a Special Permit. On November 18, 1993 the Planning Commission approved the Special Permit for a 49 seat restaurant subject to conditions.

STAFF EVALUATION:

A. Site Plan Design/Zoning Requirements

1. Setbacks

There are no proposed increases in the total building square footage. This proposal will not result in changes in existing setbacks. Additional parking is not required because the subject proposal does not involve a change in the type of use.

2. Land Use Compatibility

The subject site is located within the South Natomas Riverfront District and is in the Flood (F) zone. A restaurant is an allowable use in this zone, subject to the approval of a Special Permit. Many specific conditions were conditions of the Jammin' Salmon approval including: restricting the hours of operation, restricting the liquor license to beer and wine only, and restricting live entertainment. As previously noted, a 2 year monitoring requirement was also made a condition of the restaurant approval. The conditions of approval were included in the restaurant approval due to the concern on the part of the nearby Homeowners' Association and Planning staff regarding land use compatibility. With the inclusion of the conditions of approval, the Planning Commission determined that the restaurant was compatible with the adjacent land uses.

PROJECT REVIEW PROCESS:**A. Environmental Determination**

This project is exempt from environmental review pursuant to State EIR Guidelines (CEQA Section 15061(b)(3)).

B. Public/Neighborhood/Business Association Comments

The proposed project application packet was sent to the surrounding land owners within a 500 foot radius of the project site and to the Natomas Community Association, South Natomas Against Crime, and the South Natomas Business Association. No comments were received.

C. Summary of Agency Comments

The proposal was routed to the City's Traffic Engineer, Engineering Development Services Section, Building Division, and Utility Department. No comments were received.

PROJECT APPROVAL PROCESS:

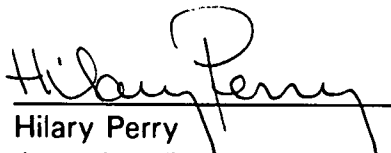
The Planning Commission has the authority to approve or deny the requested Special Permit Modification. The decision of the Planning Commission may be appealed to the City Council. The appeal must occur within 10 days of the Planning Commission action.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

- A. Adopt the attached Resolution approving the Special Permit Modification to omit condition #22 of the original project approval which stipulated that a 24 month expiration would occur if the original conditions of approval were not met for the Jammin' Salmon Restaurant on 3.85± developed acres in the Flood (F) zone.

Report Prepared By,


Hilary Perry
Associate Planner

Report Reviewed By,


Scot Mende
Senior Planner

Attachments

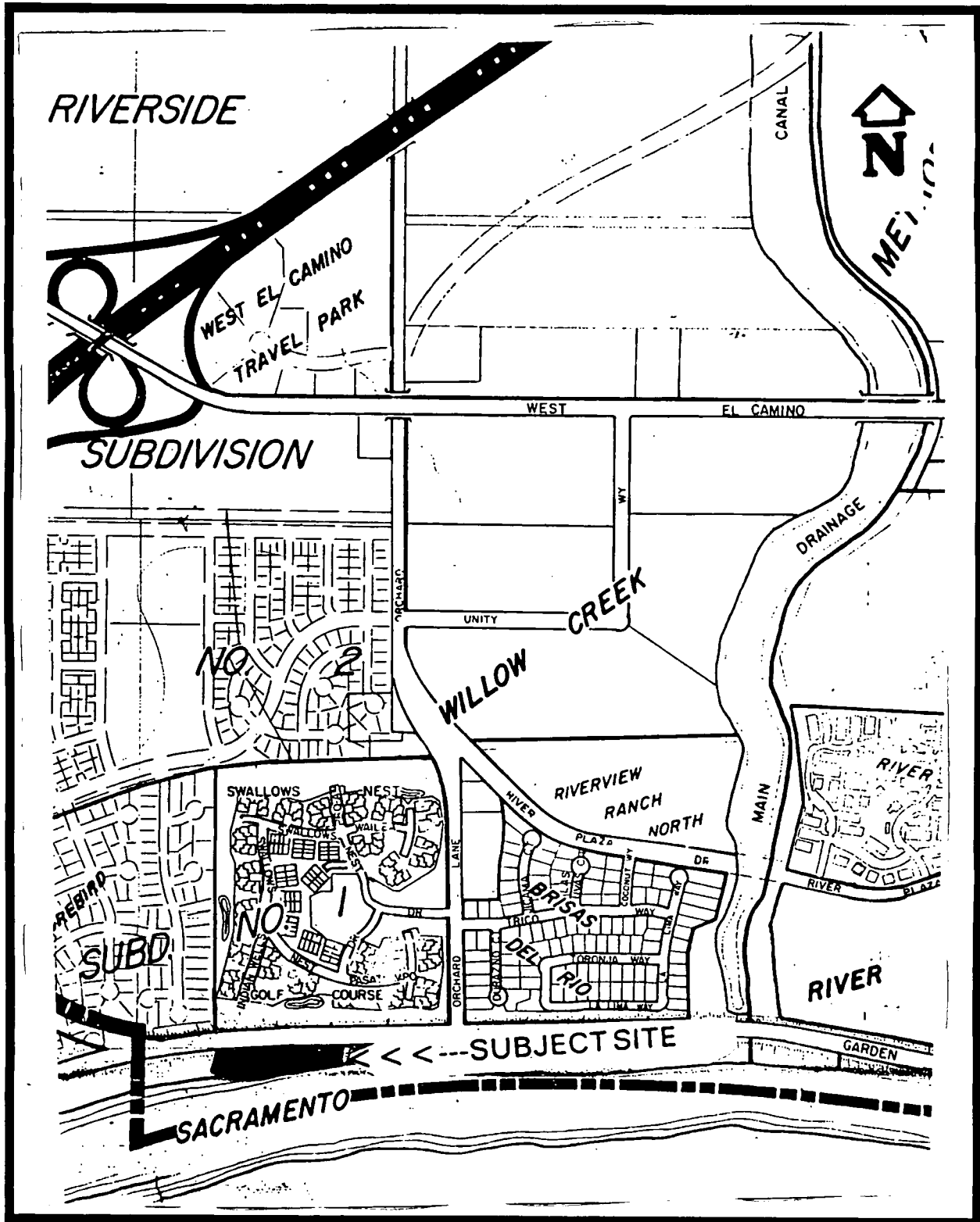
Attachment 1	Vicinity Map
Attachment 2	Land Use and Zoning Map
Attachment 3	Resolution Approving Special Permit Modification
Exhibit 3-A	Site Plan
Exhibit 3-B	Original Resolution Approving Special Permit

ATTACHMENT 1

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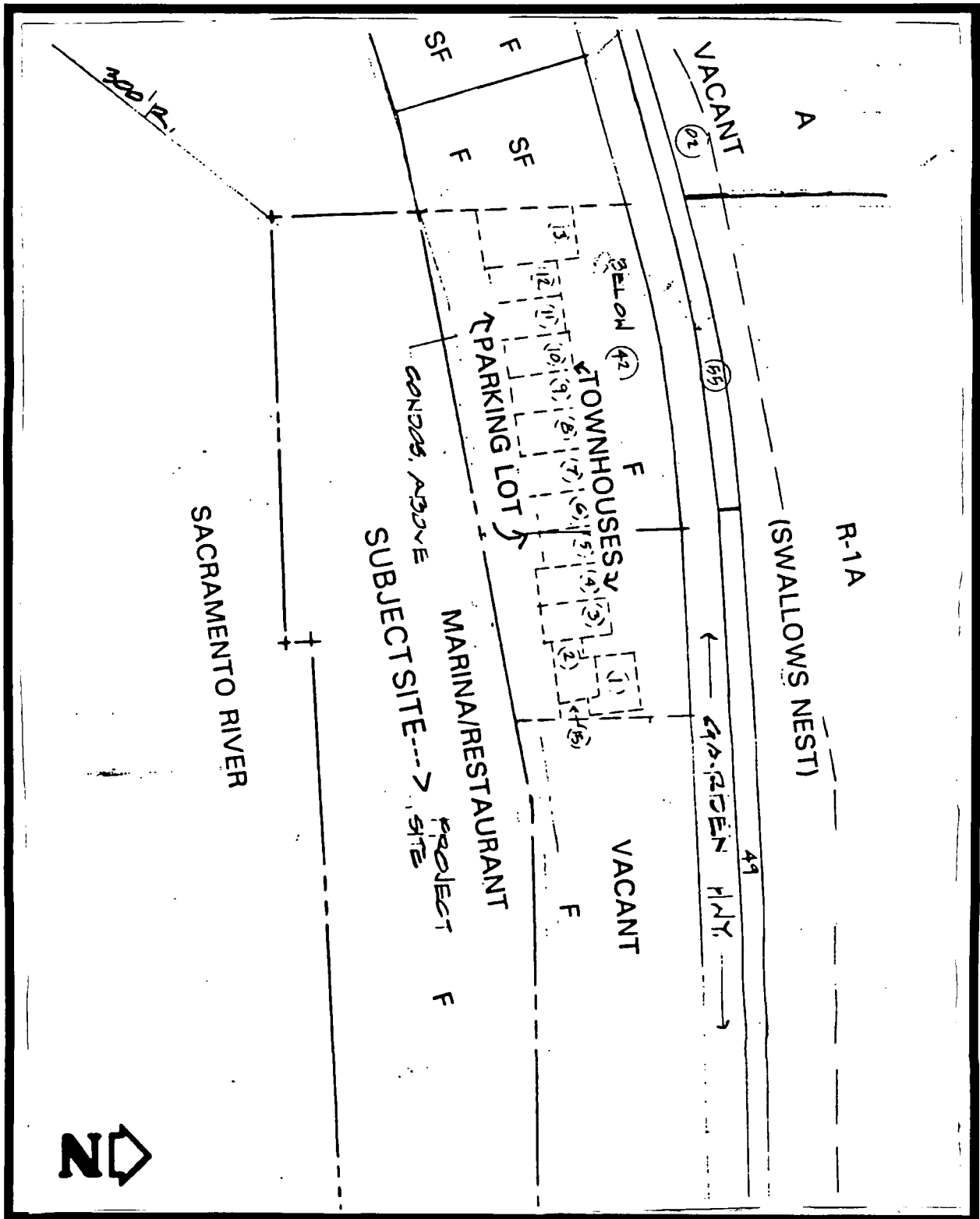
VICINITY MAP

ATTACHMENT 2

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LAND USE AND ZONING MAP

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO PLANNING COMMISSION

ON DATE OF DECEMBER 14, 1995

**A RESOLUTION ADOPTING FINDINGS OF FACT
AND APPROVING A SPECIAL PERMIT
MODIFICATION FOR PROPERTY LOCATED AT
1801 GARDEN HIGHWAY(JAMMIN' SALMON
RESTAURANT)(P95-106)
(APN:274-0030-063)**

WHEREAS, the City Planning Commission on December 14, 1995, held a public hearing on the request for approval of a Special Permit Modification to omit condition #22 of the original project approval (P91-158) which stipulated that a 24 month expiration would occur if the original conditions of approval were not met for the property located at the above described location;

WHEREAS, the City Environmental Coordinator has determined that the proposed project is exempt from environmental review pursuant to CEQA Section 15061(b)(3).

WHEREAS, the Planning staff has submitted to the City Planning Commission its report and recommendations on the proposed development;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF SACRAMENTO THAT:

1. **FINDINGS OF FACT:** The Special Permit Modification to omit condition #22 of the original approval is hereby approved based upon the findings of fact which follow:
 - a. The Exemption has been prepared in compliance with CEQA, State and City Guidelines, and the City Planing Commission has reviewed and considered the information contained herein.
 - b. Granting the Special Permit Modification would not be detrimental to the public welfare nor result in the creation of a public nuisance in that:

1. Removal of the subject condition will not result in noncompliance with the remainder of the conditions of approval for the Special Permit for the restaurant;
2. The project proponent has met the subject condition, in that all of the conditions have been adhered to.
3. The conditions of approval shall still be adhered to.
4. The project is consistent with the General Plan which designates the site for park and recreational uses.

CHAIRPERSON

ATTEST:

SECRETARY TO PLANNING COMMISSION

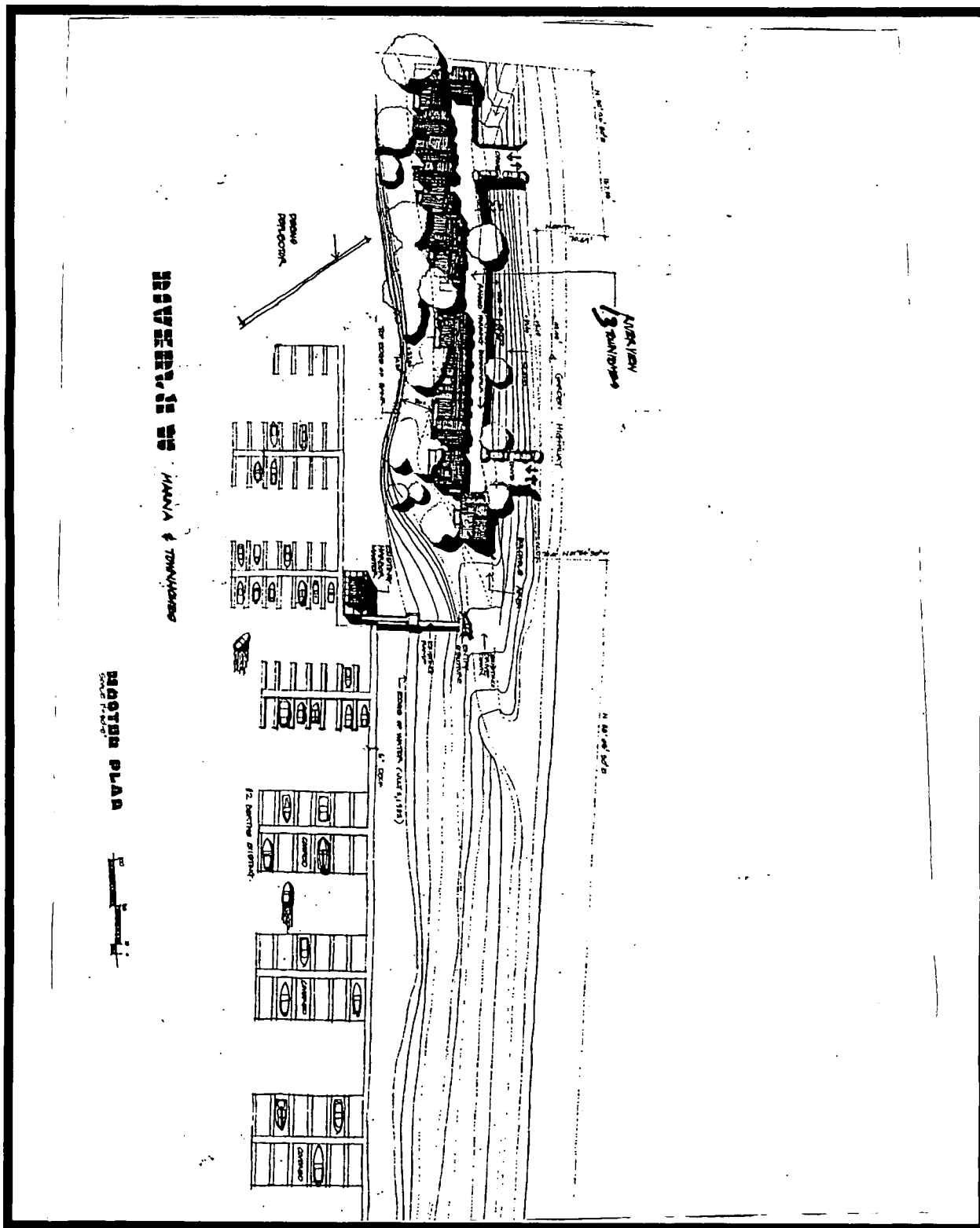
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EXHIBIT 3-A

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SITE PLAN