



REPORT TO COUNCIL

City of Sacramento

32

915 I Street, Sacramento, CA 95814-2671
www.CityofSacramento.org

PUBLIC HEARING
December 13, 2005

Honorable Mayor and
Members of the City Council

Subject: Appeal of Sonic Restaurant Drive-Through (P05-022)

Location/Council District:

Southeast of Truxel Road and Gateway Park Boulevard. APN: 225-0170-043. Council District 1.

Recommendation:

Planning Commission and staff recommend that the City Council take the following actions: 1) Approve the Resolution for the Notice of Decision and Findings of Fact for Sonic Restaurant in the Truxel 3 Planned Unit Development; 2) Consider the Adopted Negative Declaration as Amended with an Addendum; and 3) Deny the Appeal and the Special Permit for a drive-through service facility.

Contact: David Hung, Associate Planner, 808-5530; Gregory Bitter, Senior Planner, 808-7816

Presenters: David Hung, Associate Planner

Department: Development Services

Division: Planning

Organization No: 4875

Summary:

On October 13, 2005, the Planning Commission denied the Special Permit to develop a drive-through service facility for Sonic Restaurant, located in the Highway Commercial Planned Unit Development (HC-PUD) zone (P05-022). The applicant is appealing the decision of the Planning Commission to deny the drive-through facility.

Committee/Commission Action:

On November 13, 2005, the Planning Commission denied (five ayes and one no) the Special Permit to develop a drive-through service facility on a 0.88± net acre parcel in the Highway Commercial Planned Unit Development (HC-PUD) zone.

Background Information:

On September 23, 2003, the City Council adopted an Ordinance amending the districts established by the Comprehensive Zoning Ordinance (Title 17 of the City Code) from 5.0± gross acres of Manufacturing Research and Development-20 Planned Unit Development (MRD-20 PUD) to 5.0± gross acres of Highway Commercial Planned Unit Development (HC-PUD) and a Resolution to designate the 5.0± gross acre (2.8± net acre) site as the Truxel 3 Planned Unit Development with a Planned Unit Development Schematic Plan and Guidelines for the site (P00-123). The approved PUD Guidelines state the uses allowed on this site include a fast food restaurant with drive-through facility.

On October 13, 2005, the Planning Commission approved the Special Permit to develop a Sonic restaurant on a parcel within the Truxel 3 Planned Unit Development, allowing an outdoor dining area and covered stalls where patrons can park to order and dine. The Planning Commission, however, denied the Special Permit to develop the requested drive-through service facility for Sonic Restaurant.

Financial Considerations:

This project has no fiscal considerations.

Environmental Considerations:

The Development Services Department, Environmental Planning Services, has reviewed the project for compliance with the requirements of the California Environmental Quality Act (CEQA). The project is determined to fall within the scope of the Negative Declaration for Truxel 3 PUD (P00-123) adopted in September of 2003. The Adopted Negative Declaration adequately described the effects of the proposed development of the drive-through use at the subject location. In compliance with Section 15070(b)(1) of the CEQA guidelines the City has incorporated mandatory mitigation measures to avoid identified impacts or to mitigate such impacts to a point where clearly no significant impacts will occur. The analyses and mitigation measures in the Adopted Negative Declaration are reaffirmed except as amended by this Addendum.

An Addendum to the Negative Declaration has been prepared describing the proposed development of the Sonic Restaurant drive-through and evaluating the potential environmental effects of the proposed project within Truxel 3 PUD. The Addendum defines the project description and justification for use of an Addendum pursuant to CEQA Guidelines (Section 15164). Thus, it is recommended that the City Council considers the subject Adopted Negative Declaration as amended with an Addendum.

Policy Considerations:

The proposed drive-through service facility is inconsistent with sound principles of land use and with the Zoning development criteria for a drive-through service facility by contributing to increased traffic congestion to and from the site, by impairing normal circulation at the drive aisle and by impeding pedestrian movement through the site.

Smart Growth Principles: City Council adopted a set of Smart Growth Principles in December 2001 in order to encourage development patterns that are sustainable and balanced in terms of economic objectives, social goals, and use of environmental/natural resources. The subject proposal for a drive-through service facility does not foster walkable community and does not promote the use of public transit.

Strategic Plan Implementation: The proposal for a drive-through service facility, by propagating an auto-oriented use that augments traffic congestion and impairs pedestrian circulation, is inconsistent with the goal of the City of Sacramento Strategic Plan to improve and expand public safety.

Emerging Small Business Development (ESBD):

No goods or services are being purchased under this report.

Respectfully Submitted by: 
David Kwong, Interim Planning Manager

Approved by: 
William Thomas
Director of Development Services

Recommendation Approved:


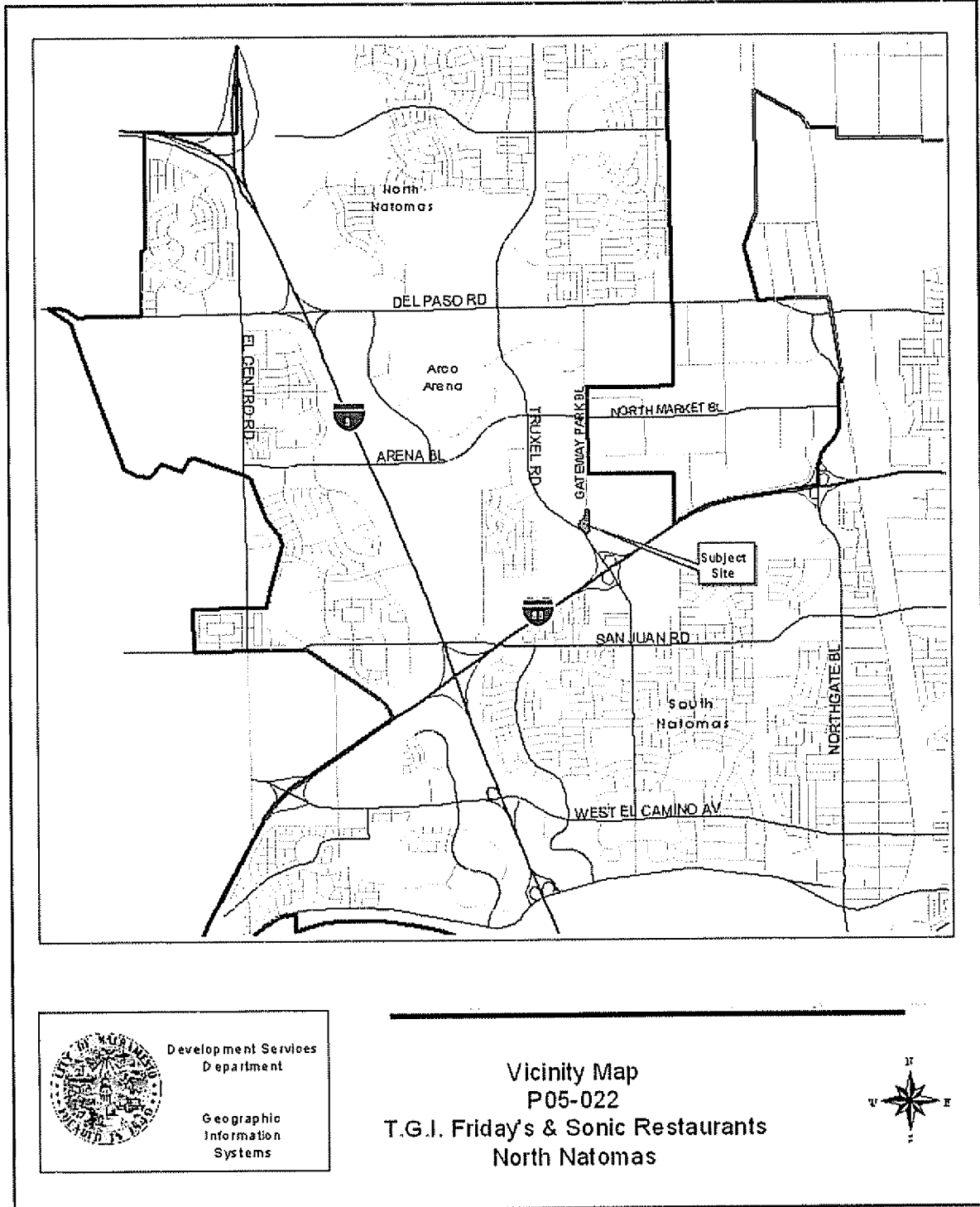

ROBERT P. THOMAS
City Manager

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Attachment 1 – Vicinity Map



Attachment 2 – Applicant's Grounds for Appeal Statement

**Appeal of the Decision of the Sacramento City Planning Commission
T.G.I Friday's and Sonic Restaurants (P05-022)**

Exhibit A

GROUND'S FOR APPEAL

The Applicant appeals the decision of the Sacramento City Planning Commission denying the request for a special permit to develop a drive-through service facility as part of a Sonic Restaurant.

Applicant objects to this denial on the basis that the request for a special permit meets the findings required by Section 17.212.010 of the Sacramento City Code. In addition, the approved PUD Guidelines for the site, adopted in 2003, specifically state the uses allowed on the subject site shall include a drive-through, fast food restaurant. In addition, the site's Highway Commercial (HC) zoning, also adopted in 2003, provides that a drive-through facility is a permitted use.

For these reasons, the Applicant requests that the Planning Commission denial of the special permit be overturned and the appeal granted permitting the development of a drive-through service facility as proposed.

RESOLUTION NO.

Adopted by the Sacramento City Council
December 13, 2005

A RESOLUTION ADOPTING THE NOTICE OF DECISION AND FINDINGS OF FACT FOR SONIC RESTAURANT; CONSIDERING THE ADOPTED NEGATIVE DECLARATION AS AMENDED WITH AN ADDENDUM; AND DENYING THE APPEAL AND THE SPECIAL PERMIT FOR DRIVE-THROUGH SERVICE FACILITY, LOCATED IN THE TRUXEL 3 PLANNED UNIT DEVELOPMENT, SOUTHEAST OF TRUXEL ROAD AND GATEWAY PARK BOULEVARD. (APN: 225-0170-043) (P05-022)

BACKGROUND

- A. On October 13, 2005, the City Planning Commission considered the Adopted Negative Declaration as Amended with an Addendum;
- B. On October 13, 2005, the City Planning Commission denied the special permit to develop a drive-through facility for Sonic restaurant;
- C. On October 21, 2005, an appeal of the decision of the City Planning Commission to deny the drive-through facility for Sonic restaurant was received by the City; and
- D. On December 13, 2005, the City Council heard and considered evidence in the above-mentioned matter.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. At the regular meeting of December 13, 2005, the City Council heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the City Council took the following actions for the location listed above:
 - A. Considered the Adopted Negative Declaration as Amended with an Addendum;
 - B. Denied the Special Permit to develop a drive-through service facility on a 0.88± net acre parcel in the Highway Commercial Planned Unit Development (HC-PUD) zone.

These actions were made based upon the following findings of fact and subject to the following conditions:

FINDINGS OF FACT

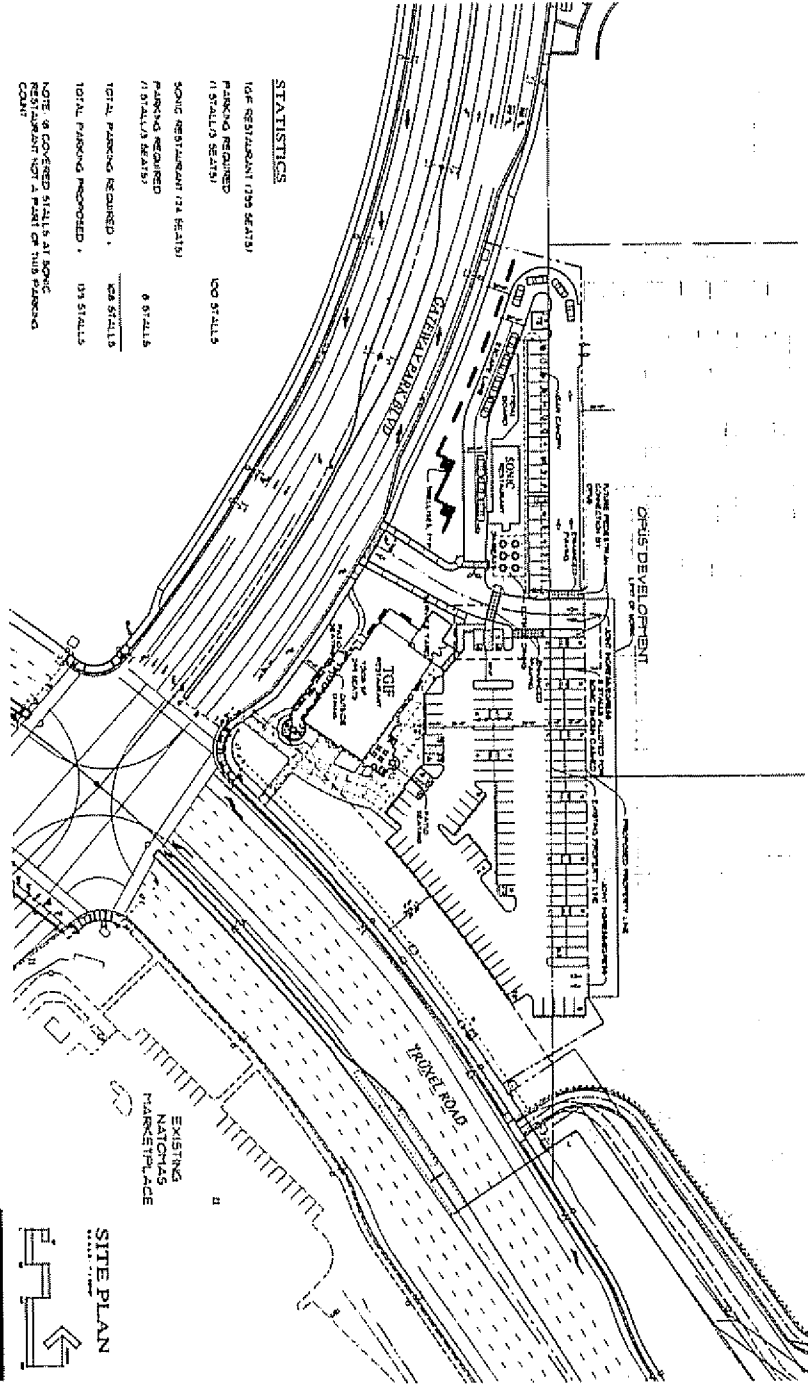
- A. Considered the Adopted Negative Declaration as Amended with an Addendum: The City Council finds that a Negative Declaration (P00-123) was previously approved by the City Council on September 23, 2003, and that pursuant to the CEQA Guidelines (Sections 15162 and 15164), for the reasons set forth below, no additional environmental review is required and an Addendum to this prior Negative Declaration has been prepared:
1. No substantial changes are proposed to the project which will require major revisions of the previous Negative Declaration;
 2. No substantial changes have occurred with respect to the circumstances under which the project was undertaken which will require major revisions of the previous Negative Declaration; and
 3. No new information of substantial importance has been found that shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous Negative Declaration;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous Negative Declaration;
 - c. Mitigation measures previously found to be infeasible would in fact be feasible and would substantially reduce one or more significant effects of the project; or
 - d. Mitigation measures which are considerably different from those analyzed in the previous Negative Declaration would substantially reduce one or more significant effects on the environment.
- B. Special Permit: The Special Permit to develop a drive-through service facility in the Highway Commercial Planned Unit Development (HC-PUD) zone is **denied** on the following findings of fact:
1. The design and location of the facility will contribute to increased congestion on public and private streets adjacent to the subject property;
 2. The design and location of the facility will impede access to or exit from the shared driveway serving the business, impair normal circulation adjacent to the drive-in stalls and impede pedestrian movement through the site; and

3. The design and location of the facility will create a nuisance for adjacent properties with the additional traffic generated by the use of the drive-through lane.

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Exhibit B	Elevation at Drive-Through – 1 page

Exhibit A – Site Plan



STATISTICS

TOTAL RESTAURANT (205 SEATS)	100 STALLS
PARKING REQUIRED (1 STALL/5 SEATS)	
SONIC RESTAURANT (24 SEATS)	5 STALLS
PARKING REQUIRED (1 STALL/5 SEATS)	
TOTAL PARKING REQUIRED :	58 STALLS
TOTAL PARKING PROVIDED :	103 STALLS

NOTE: 45 CONSIDERED 44 STALLS AT SONIC RESTAURANT NOT A PART OF THIS PARKING COUNT

T.G.I. FRIDAY'S & SONIC RESTAURANTS
 TRUXEL ROAD AND GATEWAY PARK BLVD.
 SACRAMENTO, CALIFORNIA

SITE PLAN

Scale: 1" = 100'

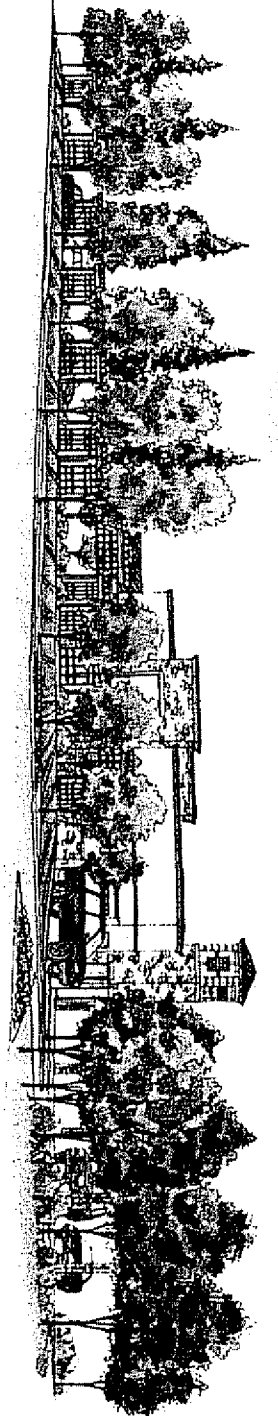
Prepared by: [Signature]

Checked by: [Signature]

DATE: 9/28/05

P05-022

Exhibit B – Elevation at Drive-Through



SONIC RESTAURANT
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 SACRAMENTO, CA

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