

# ATTACHMENT C

P94-129

MARCH 9, 1995

ITEM #8  
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## RESOLUTION NO. 1737

ADOPTED BY THE SACRAMENTO PLANNING COMMISSION  
ON DATE OF MARCH 9, 1995

A RESOLUTION ADOPTING FINDINGS OF FACT AND  
APPROVING A SPECIAL PERMIT FOR PROPERTY LOCATED  
BETWEEN 2248 STOCKTON BLVD. & 4040 COLONIAL WY.

(P94-129) (APN: 014-0032-010 & 011)

WHEREAS, the City Planning Commission on March 9, 1995, held a public hearing on the request for approval of a special permit to allow a small parking lot with 10 spaces for property located at the above described location;

WHEREAS, the lot line adjustment is categorically exempt pursuant to State EIR Guidelines (CEQA, Section 15301{a}, 15305{a}, and 15311{b});

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:

- A. The Special Permit is hereby approved based upon the following findings of fact:
1. The project, as conditioned, is based upon sound principles of land use in that:
    - a. A parking lot is an ancillary use to the proposed restaurant and office use;
    - b. A minimum of a six foot high sound wall will be constructed along the property line to eliminate any visual impacts of the parking lot; and
    - c. The restaurant hours of operation have been limited to reduce noise impacts on the adjacent residential development.
  2. The project, as conditioned, will not be detrimental to the public welfare nor result in the creation of a public nuisance in that conditions have been placed on the operation of the restaurant, which includes the proposed parking lot, to eliminate nuisance producing activities.
  3. The project is consistent with the General Plan which designates the site as neighborhood/commercial and office.
- B. The Special Permit for the proposed parking lot is hereby approved subject to the following conditions:
1. The hours of operation for the restaurant shall be from 6:30 a.m. until 10:00 p.m.;
  2. The maximum seating in the restaurant shall not exceed 100 seats at any time.

3. The applicant shall apply for and receive approval of a driveway variance for the existing residential parcel from the Public Works Department, Engineering Services Section before receiving a final approval, from the Building Division, of the garage to be constructed for the existing residence;
4. The applicant shall apply for and receive approval of a driveway variance for the restaurant/office parcel from the Public Works Department, Engineering Services Section before receiving a certificate of occupancy from the Building Division;
5. All parking spaces within the proposed parking lot shall be constructed to City standards, the required handicap space shall comply with A.D.A. requirements;
6. The applicant shall work with the licensing coordinator in the Police Department to insure that the rear parking area is adequately lit and monitored during hours of operation and while any employees are on-site;
7. The applicant shall work with the licensing coordinator in the Police Department to insure that the property is posted for "No Loitering" in accordance with 602(k) P.C. and that an agreement is filed with the Police Department that allows them to remove loiterers;
8. The applicant shall install a surveillance camera to monitor the rear parking area and the alley area;
9. All mechanical equipment shall be screened. Detailed elevations of the proposed mechanical screening shall be submitted to the Planning Director for review and approval of the design prior to issuance of any building permits;
10. A trash enclosure shall be constructed to City standards prior to issuance of a certificate of occupancy for the restaurant;
11. All necessary building permits shall be obtained prior to construction; and
12. If parking problems occur on site due to a lack of on-site parking the restaurant owner should work with the UCDMC to enter into a validation program for customer parking in the UCDMC public parking garage at Colonial Way and Stockton Boulevard.

  
CHAIRPERSON

ATTEST:

  
SECRETARY TO PLANNING COMMISSION

ATTACHMENT D

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**RESOLUTION NO. 1738**

ADOPTED BY THE SACRAMENTO PLANNING COMMISSION  
ON DATE OF MARCH 9, 1995

A RESOLUTION ADOPTING FINDINGS OF FACT AND  
APPROVING A VARIANCE FOR PROPERTY LOCATED AT  
2248 STOCKTON BOULEVARD AND 4040 COLONIAL WAY

(P94-129) (APN: 014-0032-010 & 011)

WHEREAS, the City Planning Commission on March 9, 1995, held a public hearing on the request for approval of a variance to locate the increase the compact parking space allowance from 40% to 60% and to allow 5 parking spaces that have the required maneuvering area within the public right of way on Colonial Way.

WHEREAS, the lot line adjustment is categorically exempt pursuant to State EIR Guidelines (CEQA, Section 15301{a}, 15305{a}, and 15311{b}); and

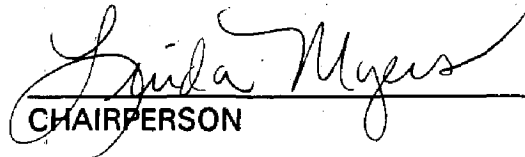
WHEREAS, the Planning staff has submitted to the City Planning Commission its report and recommendations on the proposed development;

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

- A. The variance to allow 60% of the required parking spaces to be developed as compact spaces and the variance to allow the required maneuvering area for five compact parking spaces to be within the public right of way on Colonial Way are hereby approved based upon the following findings of fact:
  1. Granting the variance does not constitute a special privilege extended to an individual property owner in that variances would be granted to other property owners facing similar circumstances.
  2. Granting the variance would not be detrimental to the public welfare nor result in the creation of a public nuisance in that:
    - a. Adequate parking and landscaping has been provided;
    - b. The restaurant will monitor the parking area to reduce noise impacts;
    - c. The majority of the business for the restaurant use will be from walk in business;

- d. The back out parking spaces will be restricted to employee use only which will not have as high of a turn over rate as the customer parking area; and
  - e. The majority of the compact parking spaces are restricted to employee parking. The customer parking area will only have 30% of the spaces developed as compact spaces.
3. Granting the variance does not constitute a use variance in that parking lots are an allowed use in the General Commercial (C-2) zone and permitted with the approval of a special permit in the Standard Single Family (R-1) zone. The applicant has also requested approval of the special permit to allow the creation of the parking lot as a part of this application.
  4. The project is consistent with the General Plan which designates the site as neighborhood/commercial and office.
- B. The variance to allow 60% of the required parking spaces to be developed as compact spaces and the variance to allow the required maneuvering area for five compact parking spaces to be within the public right of way on Colonial Way are hereby approved, subject to the following conditions:
1. The restaurant owner shall have the driveway signed as a Tow Away - No Parking zone prior to issuance of a temporary occupancy permit. In addition, the planter and curb areas shall be painted red. The applicant is responsible for long term maintenance of the required signs;
  2. No deliveries to the restaurant shall occur between the hours of 7:00 p.m. and 6:30 a.m., Monday through Friday and no deliveries between 7:00 p.m. and 8:00 a.m. on Saturdays and Sundays;
  3. All customer parking spaces shall be constructed to City standards and the required handicap space shall comply with Title 24 and A.D.A. requirements;
  4. The existing paving for the 90 degree parking on Colonial Way must be reduced to a maximum width of 40 feet to accommodate 5 parking spaces. Excess paving shall be removed and landscape planters shall be installed. Raised curbs shall be constructed at the boundary of the 5 parking spaces;
  5. The 5 back out parking spaces on Colonial Way shall be posted "EMPLOYEE PARKING ONLY"; and
  6. ~~The existing rolled curb on Stockton Boulevard shall be removed and a raised curb and landscape planters shall be installed prior to issuance of a Certificate of Occupancy from the Building Division (Deleted by Staff 3/9/95).~~

7. *The existing asphalt alley on the south side of the building does not meet City standards for an alley (6 inch thick concrete). The applicant shall sign an agreement and put up a bond with the Public Works, Engineering Services Section, to improve the alley to City standards within two years of approval of the project unless abandonment of the alley is approved by the City Council (Added by Staff 3/9/95).*

  
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CHAIRPERSON

ATTEST:

  
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SECRETARY TO PLANNING COMMISSION

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