

P93-138 - JACK-IN-THE-BOX (Continued from December 9, 1993)

REQUEST: A. Negative Declaration
 B. Mitigation Monitoring Plan
 C. Special Permit to allow drive-up service for a Jack-in-the-Box restaurant.

LOCATION: 1901 J Street (NE corner of 19th and J)
 Parcel Number: 007-0014-015
 Central City Community Plan area
 Council District 3

APPLICANT:	Walter Balloon 530 Bercut Drive, Suite A Sacramento, CA 95814 ph: 448-5001
OWNER:	Velma King and Michelle Odell 1430 Birchwood Lane, Sacramento, CA 95822
APPLICATION FILED:	September 17, 1993
STAFF CONTACT:	Jeff Archuleta, 264-5381

SUMMARY/RECOMMENDATION:

The applicant proposes to construct a single-story 2,350 square foot Jack-in-the-Box restaurant with a drive-up service window. The restaurant will have seating capacity for 60 people, however, the applicant indicates that approximately 60 percent of the business will be from the drive-up window, while only 40 percent will be from walk-in service. The walk-in portion of the restaurant would close at 9:00 or 10:00 p.m., while the drive-up window is proposed to be open until 1:00 a.m.

In order to meet the applicant's objectives, the project requires discretionary approval of a Special Permit for the drive-up service. In evaluating the project, the main issues are the drive-up window, appropriateness of the scale and character of the project for its location, and the building design. **Staff recommends denial of the Special Permit.** This recommendation is based on the project's incompatibility with the pedestrian-oriented urban scale and character of development along J Street and within the overall context of Midtown, as well as with General and Community Plan and Central City Housing Strategy goals and policies encouraging new mixed use development in the central city.

PROJECT INFORMATION:

General Plan Designation: Community/Neighborhood Commercial & Offices
 Community Plan Designation: General Commercial
 Existing Zoning of Site: C-2 (General Commercial)
 Existing Land Use of Site: Vacant

Surrounding Land Use and Zoning:

North: Blueprinting, offices; C-2
 South: Old Spaghetti Factory, offices; C-2
 East: U.P. Railroad tracks; C-2
 West: General Commercial; C-2

Setbacks:	<u>Required</u>	<u>Provided</u>
Front:	7.5'	36.5'
Side(St):	5'	22'
Side(Int):	0'	82'
Rear:	0'	64'

Property Dimensions: 160' x 161'
 Property Area: .59± gross acres (25,800± sq.ft.)
 .59± net acres
 Density of Development: Floor Area Ratio of .09 to 1
 Square Footage of Building: 2,350 square feet
 Height of Building: 17 feet (23.8 at top of architectural feature)
 Exterior Building Materials: stucco; aluminum frame windows
 Roof Material: concrete tile
 Parking Provided: 21 spaces
 Parking Required: 20 spaces
 Topography: Flat
 Street Improvements: Existing
 Utilities: Existing

OTHER APPROVALS REQUIRED: In addition to the entitlements requested, the applicant will also need to obtain the following permits or approvals, including, but not limited to:

<u>Permit</u>	<u>Agency</u>
*Design Review	Design Review Board, Staff
Encroachment Permit	Public Works, Development Services
Driveway Permit	Public Works, Development Services
Building Permit	Building Division

*Requires a public hearing

BACKGROUND INFORMATION:

The property was formerly occupied by Georgian's Restaurant and Card Room, which was demolished in 1991. The restaurant generally remained open 24 hours, although the card room and bar closed at 2 a.m. In recent years, Georgian's had become a public nuisance as a result of illegal activities that occurred on or near the premises, including exchange of stolen property, drug dealing, and other problems, according to the Police Department. Since the building was demolished, the site occasionally experiences similar problems.

Today the site is vacant and, except for the remnant of the former parking lot surface, is unimproved. All traces of the former building have been removed. There are two small billboards located along the east side of the property, adjacent to the railroad right-of-way. These should be removed as a condition of site development.

STAFF EVALUATION: Staff has the following comments:

A. Policy Considerations

The policy considerations associated with this project are compatibility with the scale and character of development along J Street and within the overall context of Midtown, consistency with General Plan and Central City Housing Strategy goals and policies encouraging pedestrian-oriented mixed use development in the central city, and the auto orientation of the drive-up window.

1. General Plan/Central City Community Plan

While the restaurant use itself is consistent with the General and Central City Community Plan land use designations, the site plan and design of the project may be inconsistent with the following goals and policies which address neighborhood/community commercial development:

- *Maintain and strengthen viable shopping districts throughout the City. (General Plan, Sec. 4-17)*
- *Promote mixed use development of neighborhood/community commercial districts through new construction and revitalization. (General Plan, Sec. 4-18)*
- *Promote the development of mixed use local commercial/office and high density residential projects. (General Plan, Sec. 4-18)*
- *Improve existing business/commercial corridors outside the Central Business District and encourage a more compact and centralized development which does not encroach into residential areas. (Central City Community Plan, p. 5)*

Midtown in general, and J Street in particular, are representative of a more "urbane" form of development, characterized by buildings which are oriented to the street and sidewalk with minimal setbacks, and often containing a mix of one or more commercial, office or residential uses. Parking is generally located to the rear of buildings, except in the case of very large projects, where a significant number of spaces may be located on a large surface lot or parking structure. Buildings and the uses and activities contained within them are, more often than not, pedestrian oriented.

The goals and policies listed above encourage the further development of these kind of multi-use, pedestrian-friendly projects in order to strengthen and revitalize commercial corridors such as J and K Street. Some good examples of more appropriate kinds of development are: 1) the mixed-use project at the southwest corner of 18th and L (eight loft-style apartments over ground floor retail); 2) the mixed use building containing Original Pete's restaurant just a block to the east at 20th and J; 3) the apartments over ground floor retail at the northwest corner of 22nd and J; or 4) the mixed residential-retail project recently approved by the Planning Commission for the northeast corner of 16th and V. A suburban-style site layout and auto-oriented use such as the Jack-in-the-Box proposal would be contrary to these goals and policies. Staff does not believe that the proposal would contribute to the revitalization of J Street in a positive manner and, in fact, may actually set a precedent for the continual erosion of the pedestrian-oriented character of Midtown commercial streets.

2. Central City Housing Strategy

The Housing Strategy, adopted by the City Council in December 1991, recommended a number of policies, programs and measures aimed at encouraging new housing development in the central city, preservation and maintenance of existing housing stock, and strengthening and improving neighborhood identity in order to stimulate demand for new housing. One of the findings of the Strategy Study was that the amount of land zoned for residential uses was inadequate to accommodate the housing need over the next 20 years or so.

Accordingly, the Strategy recommended that certain commercial properties within the central city be rezoned to residential mixed use in order to not only encourage new housing development, but also limit incompatible commercial development that may negatively impact adjacent neighborhoods. The recommendation for this property, along with the rest of the J Street corridor, is rezone to a mixed use zone that would permit residential uses as a matter of right along with commercial. This particular site might not at first seem to be appropriate for residential uses given its proximity to

the railroad, but with proper design, the noise impacts could be mitigated or buffered. In any case, allowing this project to be constructed as proposed would preclude the opportunity for future residential or mixed use development on this key Midtown site.

3. Reduction in Vehicle Trips

The City has recently sought to reduce vehicle trips associated with individual projects as a means of reducing traffic congestion and air pollution impacts, and supporting public transportation use. The proposed drive-up window runs counter to these objectives because it will actually encourage vehicle use by its very nature. It might be easier to drive to the restaurant than to walk, especially at night when only the drive-up window would be open. Given the fact that the City is currently studying the Midtown Neighborhood Preservation and Transportation Plan, it would seem inappropriate to allow such an auto-oriented use to be established in this area.

B. Site Plan Design/Zoning Requirements

1. Setbacks

As described above in the Project Information section, the building will have generous setbacks on all sides, far exceeding the minimum required (although no rear or interior side yard setbacks are required). The setbacks are generous because the building size is quite small relative to the property area, less than one-tenth the size. Setbacks are a function of building size and density; typically, buildings in more urban settings like J Street cover half or more of their sites (in the downtown, buildings often cover 100 percent of their sites). Along J Street, and other commercial or mixed use streets in Midtown, most buildings have setbacks of ten feet or less. In lower-density suburban areas, buildings are often set back further from the street, and parking is usually provided in open lots. Another reason the building has such large setbacks from the street is to accommodate the drive-through lane, which wraps around three sides of the building.

2. Recycling/Trash Facilities

The project will have a 144 square foot trash enclosure located toward the rear of the parking area. Garbage trucks will have access to the enclosure via a driveway off the alley. The project application indicates that the project will include 10 cubic yards of storage receptacles for recyclable materials, which would include paper, cardboard, and grease. This complies with required capacity.

3. Parking/Circulation

Vehicular access to the project would be provided via J Street and the alley to the rear of the site. All existing curb cuts will be removed, and a new curb cut and driveway established at the southeast corner of the site along J Street. The project is very much oriented to the automobile in that it proposes drive-up window service, requiring a lengthy drive-through lane for adequate stacking of vehicles.

Traffic Engineering has concerns that the drive-through lane, with its exit near the driveway on J Street, may result in conflicts with the one-way traffic on J Street. Consequently, they recommend that the drive-through be redesigned so that vehicles will exit onto 19th Street instead of J. In addition, the parking lot should be reconfigured so that spaces are a minimum of 50 feet from the J Street right-of-way (curb).

If the Planning Commission wishes to approve the Special Permit to allow the drive-up window, staff recommends that the project be sent back for redesign of the site circulation and parking. Staff will then bring the revised plans back before the Planning Commission for final approval.

A total of 21 parking spaces are proposed, one more than the 20 required for the 60-seat restaurant (@ 1 space/3 seats). One handicap space is proposed.

The project site is well-served by public transit, with nine bus routes running eastbound on J Street; three of these turn south at 19th Street. A significant portion of fast food restaurant patronage is from "pass-by" traffic, that is, people who are generally on their way to or from somewhere else. Thus, some people travelling eastbound out of the downtown area, either by car or bus, would visit the Jack-in-the-Box on the way home from work, shopping, or whatever. Of course, for some, the restaurant would be the primary destination.

4. Landscaping

Landscaping would be provided at various locations of the project site, including most of the 19th and J Street frontages, except where broken by driveways. Currently, the only existing landscaping on-site consists of a few Juniper bushes along the J and 19th Street frontages. The new landscaping would consist of lawn ground covers, and shrubs. The project would also include the planting of new street trees.

5. Signage

The project will include a number of signs. While the elevations depict three attached identification signs, each measuring 25 square feet in area, the building may have only two attached identification signs, per Section 3.66 of the Sign Ordinance. Such signs may be a maximum of three square feet for each front foot of building occupancy. Since the building is located on a corner, each street frontage may have signage, thus one may face J Street on the front and 19th Street on the side. Each sign will measure five feet by five feet, for an area of 25 square feet, and a total area of 50 square feet, well within the maximum allowable.

In addition to the building identification signs, the project will have several on-site signs, including an entry sign, menu board, speaker board, and a drive-through lane entrance sign. The total combined area of these signs may not exceed 320 square feet, the combined lineal foot of street frontage. The on-site directional signs are exempt, although it may not exceed four square feet in area.

C. Building Design

The project is designed in a contemporary theme, with exterior materials consisting of white stucco, aluminum windows having a bronze finish, and dark grey concrete tile roofing. Staff has concern with the design in that it does not complement the character of the area in terms of its scale, massing, or appearance. A more appropriate design would be a two-story commercial or mixed use structure such as can be found elsewhere on J Street or Midtown, as noted above under Policy Considerations.

The project has not yet been reviewed by the Design Review Board. Review by the Board is pending Planning Commission action on the Special Permit request.

PROJECT REVIEW PROCESS:

A. Environmental Determination

The Environmental Services Manager has determined the project, as proposed, will not have a significant impact to the environment; therefore, a Negative Declaration has been prepared. A Mitigation Monitoring Plan has been prepared for the project, although the Planning Commission does not have to approve it if the Special Permit application is denied. In the event the Commission wishes to approve the Special Permit, staff will return with a Mitigation Monitoring Plan for the project. At such time, the applicant must incorporate mandatory mitigation measures into the project plans to avoid identified impacts or to mitigate such

impacts to a point where clearly no significant impacts will occur, in compliance with Section 15070(B)1 of the California Environmental Quality Act Guidelines. These mitigation measures will address issues relating to the Combined Sewer System, Plant Life, and Cultural Resources.

B. Public/Neighborhood/Business Association Comments

Information and plans for this project proposal were sent to SOCA, Boulevard Park Neighborhood Association, and the Midtown Business Association. Notices for this public hearing were sent to all property owners within a 500-foot radius on Wednesday, November 24.

A number of nearby residents and business owners, as well as the Sacramento Old City Association, have contacted the Planning Division to express opposition to the project (see attached correspondence). Businesses which expressed opposition by phone include Atlas Blueprinting, located across the alley to the north on 19th Street, and Metro Electronics, located across 19th Street to the west. The opposition stems from concerns that the project may not be appropriate for the Midtown location, and that late-night hours of the drive-up window will attract loitering, panhandling, drug dealing, and other illegal activities which are associated with the Cheaper convenience store at 20th and H, as well as the former Georgian's establishment.

C. Summary of Agency Comments

The project has been reviewed by several City Departments and other agencies. The following summarizes the comments received:

1. Traffic Engineering

Traffic has concerns that the proposed drive-through lane, with its exit near the driveway on J Street, will result in traffic conflicts and, therefore, recommends that the project be redesigned by reconfiguring the drive-through so that vehicles will exit onto 19th Street. A revised plan shall be submitted prior to the Planning Commission granting approval of the Special Permit.

2. Engineering Development

Engineering has determined that the project would not have a significant impact on the combined sewer system, thus no mitigation is required. Other conditions that would be required of the project would be that on-site grading, paving and drainage shall be approved by Public Works prior to issuance of a building permit.

3. Police Department

The Police Department expressed concern that the fast food restaurant might experience a spillover of problems from the Cheaper convenience market at 20th and H Streets.

4. Fire Department

Fire has concerns that the driveway on J Street will create traffic conflicts on J Street, thereby resulting in a delay of emergency fire and ambulance response time.

PROJECT APPROVAL PROCESS: The Planning Commission has the authority to approve or deny the Special Permit request. The Planning Commission action may be appealed to the City Council. The appeal must occur within 10 days of the Planning Commission action.

RECOMMENDATION: Staff recommends denial of the Special Permit to allow drive-up service for the following reasons:

- The project is inconsistent with General and Central City Community Plan and Central City Housing Strategy goals and policies promoting compact, mixed use development in this area of the central city in that it is a single-use development that is out of scale and character with other more pedestrian-oriented buildings in the J Street corridor.
- The proposal is for an auto-oriented use which contradicts the City's goal to reduce vehicle trips and air pollution, and discourages pedestrian use of the site.
- The project will be detrimental to the public welfare and result in the creation of a public nuisance in that the late-night hours of operation of the drive-up window would encourage loitering, cruising, or other nuisance or illegal activities in an area where such activities have been known to occur.
- The site and circulation design of the project will cause conflicts with traffic on J Street, and might negatively impact emergency fire and ambulance response times.

Staff recommends the Planning Commission take the following actions:

- A. Ratify the Negative Declaration
- B. Adopt the attached Resolution denying the Special Permit to allow a drive-up service window in conjunction with a fast food restaurant.

If the Planning Commission wishes to approve the Special Permit to allow the drive-up window, staff recommends that the project be sent back for redesign of the site circulation and parking. Staff will then bring the revised plans back before the Planning Commission, along with a resolution and findings of fact for approval of the Special Permit and Mitigation Monitoring Plan.

Report Prepared By,

Report Reviewed By,


Jeff Archuleta
Planner


Steve Peterson
Senior Planner

Attachments

Attachment A	Vicinity Map
Attachment B	Land Use and Zoning Map
Attachment C	Resolution Denying the Special Permit
Exhibit C-1	Site Plan
Exhibit C-2	Floor Plans
Exhibit C-3	Elevations
Attachment D	Letters from Citizens
Attachment E	Resolution Adopting Mitigation Monitoring Plan
Exhibit E-1	Mitigation Monitoring Plan

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Attachment A - Vicinity Map



RESOLUTION NO.**ADOPTED BY THE SACRAMENTO PLANNING COMMISSION****ON DATE OF JANUARY 13, 1994****A RESOLUTION ADOPTING FINDINGS OF FACT
AND DENYING A SPECIAL PERMIT FOR
PROPERTY LOCATED AT 1901 J STREET****(P93-138) (APN: 007-0014-015)**

WHEREAS, the City Planning Commission on January 13, 1994, held a public hearing on the request for approval of a special permit to allow drive-up service for a Jack-in-the-Box restaurant on property located at 1901 J Street;

WHEREAS, the City Environmental Coordinator has determined that the proposed project will not have a significant effect on the environment, and has provided notice to the public of the preparation of a Negative Declaration;

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. The Special Permit to allow drive-up service (Exhibit C-1) is hereby denied based upon the following findings of fact:
 - A. The project is not based upon sound principles of land use in that:
 - 1) The proposal is for an auto-oriented use which contradicts the City's goal to reduce vehicle trips and air pollution, and discourages pedestrian use of the site; and
 - 2) The site and circulation design of the project will cause conflicts with one-way traffic on J Street, and negatively impact emergency fire and ambulance response times.
 - B. The project will be detrimental to the public welfare and result in the creation of a public nuisance in that the late-night hours of operation of the

drive-up window would encourage loitering, cruising, or other nuisance or illegal activities in an area where such activities have been known to occur.

- C. The project is not consistent with goals and policies of the General Plan, Central City Community Plan, and Central City Housing Strategy which promote compact, mixed use development in this area of the central city in that it is a single-use development that is out of scale and character with other pedestrian-oriented and/or mixed use buildings in the J Street corridor.

CHAIRPERSON

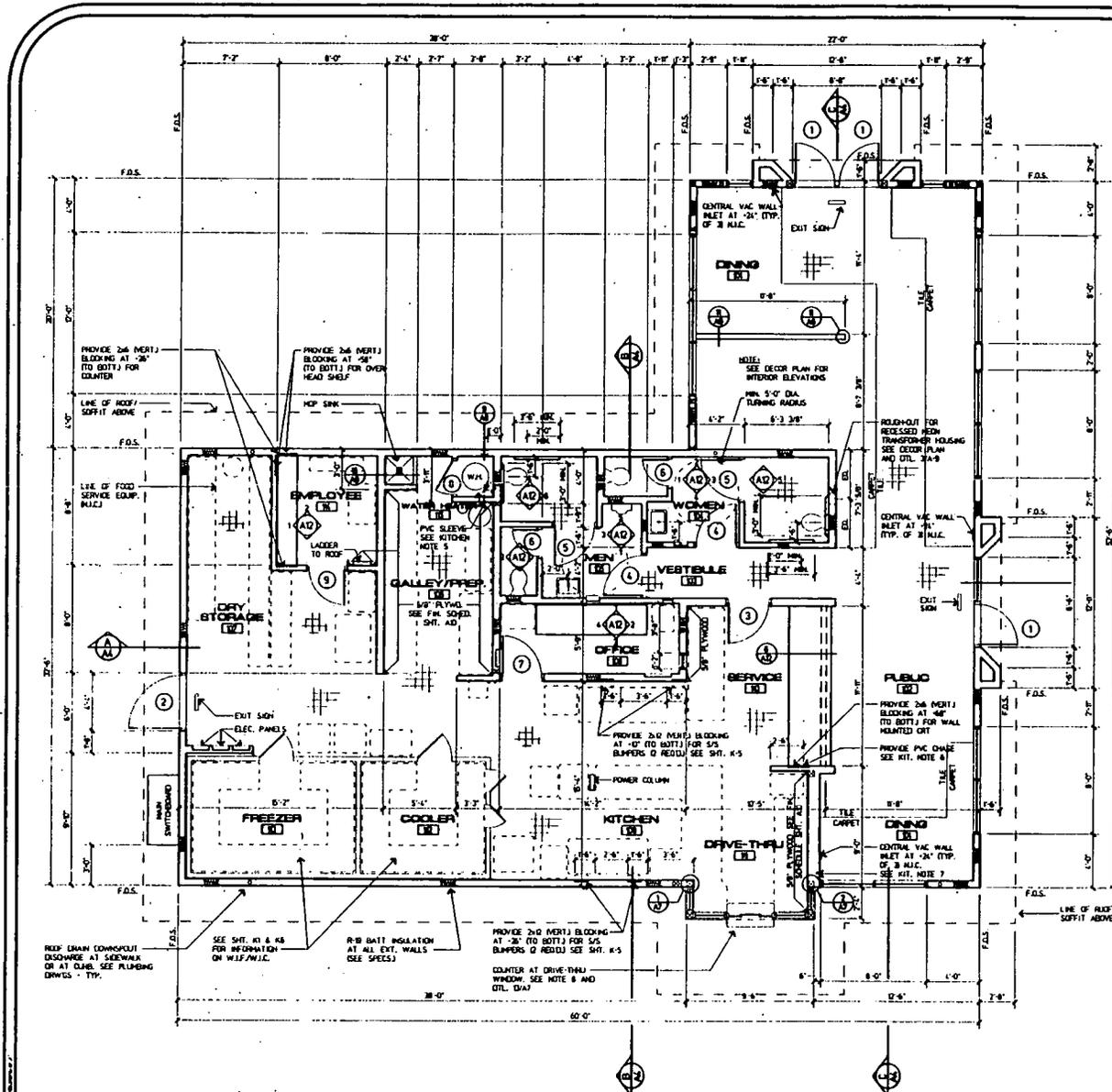
ATTEST:

SECRETARY TO PLANNING COMMISSION

P93-138

b:\jack-box.res

Exhibit C-2 Floor Plan



GENERAL NOTES

- BUILDING:**
- ALL DIMENSIONS DOWN TO FACE OF EXTERIOR WALLS ARE FACE OF STUD P.D.S.L. ALL DIMENSIONS DOWN TO FACE OF INTERIOR WALLS ARE FACE OF DYP. ED. LUDA.
 - ALL EXTERIOR WALLS SHALL BE 2x6 WOOD STUDS AT 8" O.C. W/ S/P TYPE "X" DYP. ED. ON THE INTERIOR FACE LUDA.
 - ALL INTERIOR WALLS SHALL BE 2x6 WOOD STUDS AT 8" O.C. W/ S/P TYPE "X" DYP. ED. ON BOTH SIDES LUDA.
 - FOR EXTERIOR WALL TREATMENT, SEE EXTERIOR ELEVATIONS.
 - ALL EXIT DOORS SHALL BE OPENABLE FROM THE INSIDE WITHOUT SPECIAL KNOWLEDGE OR EFFORT ON THE USE OF A KEY.
 - ALL EXTERIOR DOORS SHALL BE WEATHERSTROPPED. ALL EXTERIOR DOORS SHALL HAVE EXTERIOR FRAMES & WINDOWS & AT ALL PENETRATIONS THRU BUILDING ENVELOPE SHALL BE SEALED LEAD SEALANTS & CALKING.
 - ALL ARCHITECTURAL GLAZING WITHIN 4" OF DOORS SHALL BE TEMPERED HOLDING GLAZING OF DOORS.
 - SEA CONTRACTOR SHALL ORDER COUNTER AT DRIVE-THRU WINDOW EARLY. INSTALL BEFORE INSTALLATION OF WINDOW FRAMES.
 - POST OCCUPANCY LOAD SIGN IN A CONSPICUOUS PLACE NEAR THE MAIN EXIT FROM THE ROOM PER IBC 2003A. SIGN TO READ "MAXIMUM SEATING CAPACITY - 10 SEATS".
 - ALL FINISH SURFACES OF WALL & CEILING MATERIALS SHALL NOT EXCEED A FLAME SPREAD RATING OF 200 & A SMOKE DENSITY RATING OF 100.
 - ALL CRAPES, CURTAINS & DECORATIVE MATERIAL PROVIDED AND/OR INSTALLED BY THE GENERAL CONTRACTOR SHALL BE MADE FROM NON-FLAMMABLE MATERIALS OR TREATED WITH FLAME RETARDANT AS APPROVED BY THE LOCAL FIRE MARSHAL.
 - OWNER SHALL PROVIDE PORTABLE FIRE EXTINGUISHERS FOR LOCAL FIRE MARSHAL. GENERAL CONTRACTOR TO INSTALL.
 - BUILDING ADDRESS NUMBERS SHALL BE A MINIMUM 6" HIGH AND BE OF CONTRASTING COLORS.
 - DOORS SHALL BE ILLUMINATED AT ANY TIME THE BUILDING IS OCCUPIED WITH LIGHT HAVING AN INTENSITY OF NOT LESS THAN ONE FOOT-CANDLE AT FLOOR LEVEL. BUILDING CODE SECTION 200. REFER TO SHEET E-3.
 - PROVIDE EXIT SIGNS FOR BUILDING CODE SECTION 200A. REFER TO SHEET E-3.
 - PROVIDE APPROVED EXIT ILLUMINATION AND ILLUMINATED EXIT SIGNS. TITLE 24, SECTION 24-2.20.1. REFER TO SHEET E-3.
 - PROVIDE APPROVED PANELED HARDWARE ON EXIT DOORS. TITLE 24, SECTION 24-2.20.1 & 24-2.20.2.
 - INTERIOR FINISH SHALL BE PROVIDED IN ACCORDANCE WITH TITLE 24, SECTION 24-2.20.1 - VERTICAL ENCLATURES, CLASS II - CORRIDORS, CLASS III - ROOMS.

KITCHEN

- GENERAL CONTRACTOR SHALL COORDINATE HIS WORK WITH THE WORK OF THE FOOD SERVICE EQUIPMENT P.D.S.L. CONTRACTOR.
- SEE FOOD SERVICE EQUIPMENT SCHEDULE FOR ITEMS FURNISHED BY OTHERS & INSTALLED BY O&A CONTRACTOR.
- KITCHEN EQUIP. & OTHER FURNISHED EQUIP. SHOWN DASHED.
- SEE KITCHEN DRAWINGS FOR INFORMATION REGARDING WALK-IN COOLERS.
- PROVIDE 2" DIA. PVC SLEEVE W/ PLASTIC GROMMET AT 24" O.C. SEAL NODE ASSEMBLY IN PLACE W/ SILICONE SEALANT. SEE P-5 FOR PLACEMENT.
- PROVIDE 2" DIA. HORIZ. PVC SLEEVE W/ PLASTIC GROMMET AT 24" FOR REGISTER CABLING AND VERTICAL SLEEVE AT 72" FOR OIT CABLES.
- PROVIDE 2" DIA. PVC SLEEVE FOR R/S SYSTEM CABLING.

HANDICAP NOTES

- HAND ACTIVATED EXTERIOR OPENING HARDWARE TO BE MOUNTED 20" TO 48" ABOVE THE FLOOR AND TO BE OPENABLE WITH A SINGLE EFFORT BY LEVER TYPE HARDWARE. 2-1000B
- MAXIMUM EFFORT TO OPERATE DOORS SHALL NOT EXCEED AS FOLLOWS FOR EXTERIOR DOORS AND 5 POUNDS FOR INTERIOR DOORS. 2-1000B
- ALL REQUIRED EXIT DOORWAYS SHALL HAVE A MINIMUM 20" CLEAR OPENING WITH THE DOOR AT 90° TO THE CLOSED POSITION. IBC SECT. 200A
- MAXIMUM HEIGHT OF THRESHOLD TO BE 1/2". MAXIMUM VERTICAL CHANGE AT EDGE IS 1/4" WITH A MAX. BEVEL OF 45°. 2-1000B
- ONE WHEELCHAIR SEATING SPACE FOR EACH 20 SEATS SHALL BE PROVIDED WITH A MINIMUM OF THE SPACE. 2-1000B
- PROVIDE A 17" SEPARATE TRIANGLE NOTED POINTING UP FOR MEN'S FACILITIES AND A 17" DIA. CIRCLE FOR WOMEN'S FACILITIES. THESE SYMBOLS SHALL BE OF CONTRASTING COLOR 1/4" THICK AND MOUNTED PER A.S.A. REQUIREMENTS. SYMBOLS FURNISHED BY OWNER AND INSTALLED BY CONTRACTOR.
- WIDTH AND HEIGHT OF REQUIRED EXIT DOORWAYS TO COMPLY WITH IBC SECT. 200A & TITLE 24, SECTION 2-1000A.

REVISIONS

SCALE: 1/4" = 1'-0" JOB NUMBER: _____ BUILDING TYPE: MK ZCS-60 ISSUE DATE: _____ DRAWN BY: _____ P.M. DATE: APRIL 93

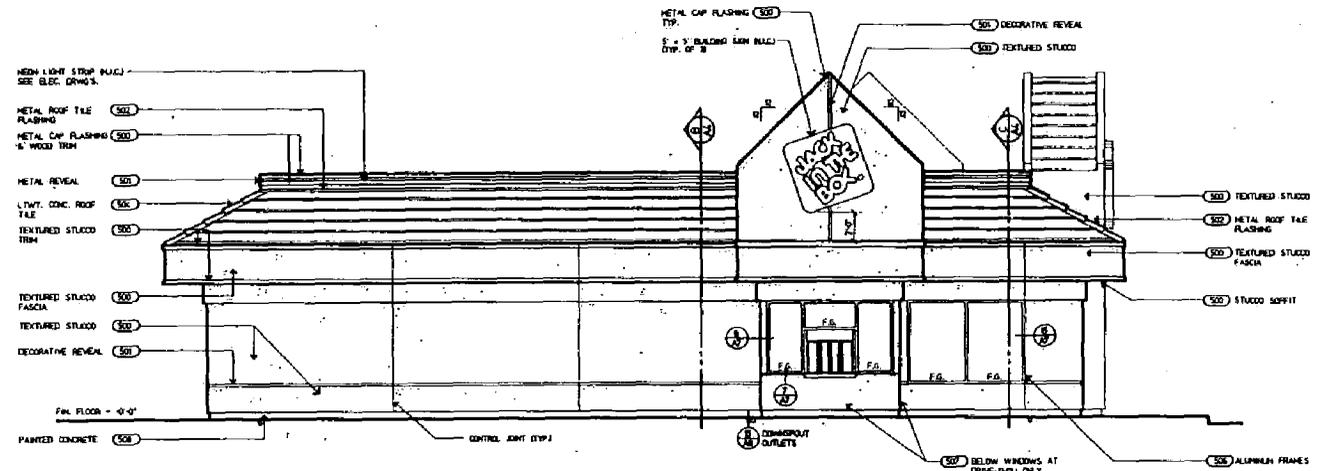
FOODMAKER, INC.
5000 BALBOA AVENUE
SAN DIEGO, CA 92121

FLOOR PLAN & GENERAL NOTES

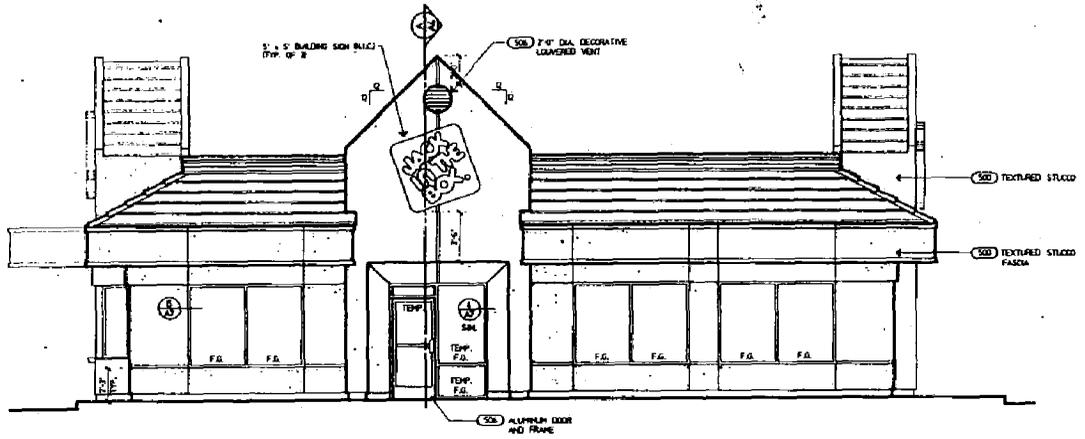
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915 #

Exhibit C-3 Elevations



LEFT ELEVATION SCALE: 1/4" = 1'-0"



FRONT ELEVATION SCALE: 1/4" = 1'-0"

NOTE: ALL TEXTURED STUCCO TO RECEIVE A MACHINE APPLIED (MEDIUM DASH) COLOR COAT AND PAINT FINISH.

500	PANT FILLER ORIGIN: 'WHISPER WHITE' *202-40 DIMITED ACRYLIC LATEX SATIN FINISH OR *SCOTCH PAINT *418 AQU-GLAZ, 'WHISPER WHITE'
501	PANT FILLER ORIGIN: 'BRIGHT RED' *404-10 DIMITED ACRYLIC LATEX GLOSS FINISH OR * SCOTCH PAINT *418 AQU-GLAZ, 'JUBA RED'
502	PANT FILLER ORIGIN: 'ULTRA BLACK' *300-10 DIMITED ACRYLIC LATEX GLOSS FINISH OR * SCOTCH PAINT *418 AQU-GLAZ, 'ULTRA BLACK'
503	NOT USED
504	ROOF TILE: LIFETIME *SMITH FE SERIES' *POM EIGHT SLATE LOCAL *1000
505	NOT USED
506	ALUM. WINDOW FRAMES, HALLING & ACCESSORIES: DASH BRONZE *NEEDED FINISH
507	YELLOW METAL DOORS & FRAMES: PANT FILLER ORIGIN: 'BURN CLAY' *202-10 DIMITED ACRYLIC LATEX GLOSS FINISH, BOTH SIDES OR * SCOTCH PAINT *418 AQU-GLAZ, 'BURN CLAY'
508	PAINT CONCRETE: PANT FILLER ORIGIN: 'WHISPER WHITE' *202-40 DIMITED ACRYLIC LATEX SATIN FINISH OR * SCOTCH PAINT *418 AQU-GLAZ, 'WHISPER WHITE'
509	NOT USED
* SCOTCH PAINT MAY BE OBTAINED BY CALLING 800-694-2698	
1	EXTERIOR FINISH SCHEDULE

REVISIONS

FOODMAKER, INC.
8000 BALBOA AVENUE
SAN DIEGO, CA 92123

BUILDING TYPE: MKTCS-60
ISSUE DATE: APRIL 90
DRAWN BY: [REDACTED]

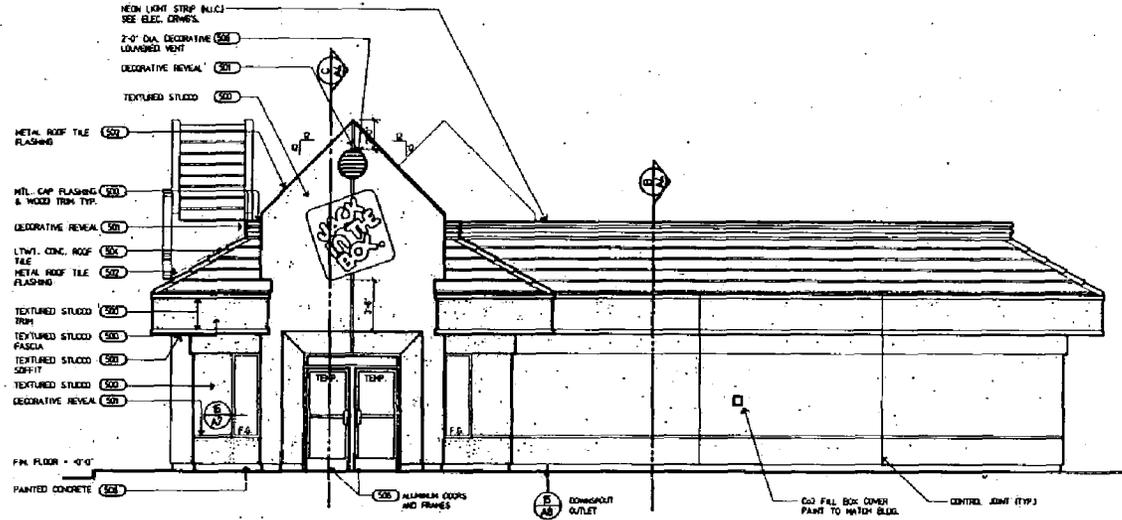
SCALE: 1/4" = 1'-0"
JOB NUMBER: [REDACTED]

EXTERIOR ELEVATIONS

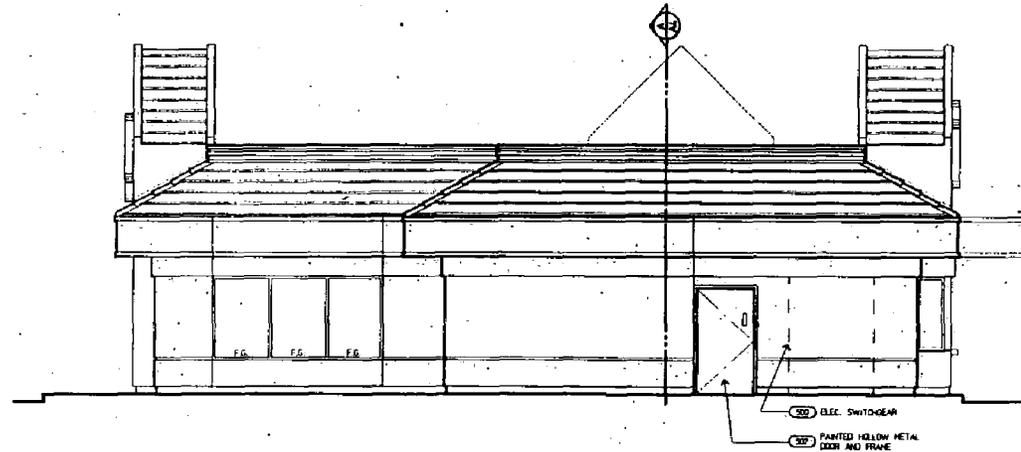
A2

#5
9/16

Exhibit C-3 Elevations



RIGHT ELEVATION SCALE: 1/4" = 1'-0"



REAR ELEVATION SCALE: 1/4" = 1'-0"

SCALE: 1/4" = 1'-0" JOB NUMBER: BUILDING TYPE: MICROS-60 ISSUE DATE: DRAWN BY: P.M. DATE: APRIL 93
 REVISIONS
 FOODMAKER, INC.
 5500 BALBOA AVENUE
 SAN DIEGO, CA 92123
 A3 EXTERIOR ELEVATIONS

11.8
 9#

METRO ELECTRONICS

1831 J STREET • SACRAMENTO, CA 95814
(916) 442-1512 • FAX: (916) 442-1586
MEMBER OF EDBA

RECEIVED

DEC 2 1993

Ans'd

November 30, 1993

Mr. Jeff Archuleta
City of Sacramento
Department of Planning & Development
1231 I Street Room 200
Sacramento, CA 95814-2998

Dear Mr. Archuleta:

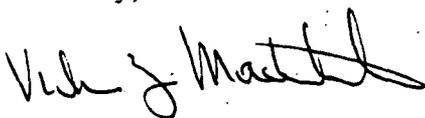
I strongly object to the proposed Jack-in-the-Box restaurant on the corner of 19th and J Streets. I have worked across the street from the proposed location from 1974 thru 1987 and from 1991 to the present. Therefore, I feel I am more familiar with this corner than most.

Where traffic is concerned, 19th and J is a busy intersection. We witness numerous accidents and near accidents because motorists want to make it through the yellow light. Emergency vehicles are also leary of this intersection because they always stop before proceeding. I am concerned that the proposed fast food restaurant will encourage even more traffic. Drive-thru windows encourage people to stay in their vehicle with the motor running which concerns me because it will be harmful to the air quality.

During the years I have worked at 1831 J Street, I have had to endure numerous problems of which I had no control. When Georgian's was located here and open all night we had windows broken on a regular basis. At the present time we have grafitti on our builing about once a week. We also find drug paraphernalia and other personal belongings in our flower beds and on our driveway in the alley. We already have problems at this location. My fear is that a drive-in restaurant open until early morning will encourage people to come to this corner who are not residents and do not care about the area. I fear loiterers littering our area as well.

I do not oppose a restaurant at this corner. I do oppose a fast food restaurant with a drive thru window which is open until early morning hours. Please take this letter into consideration when making your final decicion.

Sincerely,



Vicki Z. Mackintosh
President

December 1, 1993

City of Sacramento
Department of Planning and Development
1231 I Street
Sacramento, Ca. 95814-2998

Planning Commission and Staff:

RE: P93-168 Jack-In-The-Box Restaurant

I have concerns about the entitlement to allow a drive-up service window, believing that it will produce some of the same problems and nuisance we residential and business neighbors endure from the convenience market at 20th and H Streets. A foot and in vehicles customers of the convenience store/take-out food/gas station, leave market identifiable litter including partly consumed food and beverage, empty wrappers and containers in an area of several blocks wherever they choose to picnic on residential and business property and in streets and alleys. It is unsightly, unsanitary, and a health hazard.

The site, with late night hours of operation continuing past closing of the indoor seating area, can become a magnet and loitering place for CRUISERS chased from other areas, and attract anti-social, misbehaving, threatening types of persons such as those loitering about the nearby 20th and H Street market, where acts of violence are common.

In a telephone conversation, the Applicant described to me the proposed business as essentially neighborhood serving, but his Application and Project Questionnaire clearly designate the project as "Oriented to: Regional". A neighborhood oriented restaurant would not need a drive-up service limited to motor vehicles. Further, the drive-through proposal seems inappropriate for the site, on a street where traffic projections indicate declining levels of service.

This segment of Midtown with its mix of residential and business, in proximity to the Memorial Auditorium could benefit most from a sit-down restaurant.

I urge Planning Staff and Planning Commission to approach this proposal with caution. Once in place the project as proposed could cause serious harm to the neighborhood.

Sincerely,



Audrey Austin

817 - 20th Street #1
Sacramento, Ca. 95814

Jeff Archuleta
 Jack-in-Box
 19-J-Street

I have been a residence of
 Mid-Town for over 25 years. I
 am Apartment Manager.

my opposition to Jack in Box is

1. Loitering, Panhandlers.
2. Noise from customers, Car Stereo.
3. It will bring more traffic to Area.
 We have our problems with traffic
 right
4. Damage to private property, Business.
5. Drive in Window will bring more
 problems to Area, also we will have Cruise
6. We have Prostitution with, Male, female
7. Burglaries, assault, batteries on ~~people~~
6. Drug Pushers.
7. We ~~are~~ close to Bars, and will bring
 more Hustler in Area.
6. We are in High Crime Area.
7. We close to FL Mart on 20-H-Street
 that already a problem.
8. We have to many Coffee houses. that
 are problem also with late hours of
 operation.

#5
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As if you let Jack in Box. When we
complain to you. What will you do
about it. We need a better balance.

I know we can do better with something
also. We also don't want a Dive in
Window. This ~~Box~~ In-Box should
be out by Free-Way. Don't forget
we got our problems with Business
are in right. Don't forget - that Fern
16-25-Street
J-K-Street

are ~~for~~ where Protection - Justice
working street this will bring
More trouble. Also we are in High Area.
Denied - Jack - in-Box is for our
own good. We had a meeting with
Tom Ballon 11-29-93 - He never
show up for meeting. That tell
you what kind of person he is.
any question: Call me at 443-4134
Denied is a easy word to say

Thank You

Alfredo Chalon

21- I George.

P.S.

We need something better than this

December 27, 1993

City of Sacramento
Planning Dept.
1231 I Street
Sacramento, Ca 95814

ATT: Jeff Archuletta

RE: JACK-IN-THE-BOX

This letter conveys my opposition to granting of any permits or entitlements for the siting of the proposed Jack-In-The-Box drive-through fast food establishment at 19th and J Streets in Midtown, Sacramento.

I am a 17 year resident property owner of Midtown, located less than three blocks from the proposed site. My opposition is based on several factors including the many years of serious abuse the surrounding residential neighborhood has experienced from inappropriate land use that permits the operation of late-night establishments which fail to meet needs of the surrounding residential neighborhoods.

Fast food Drive-thru establishments are:

1. Designed primarily to attract and serve transient customers with the late night emphasis on vehicle occupants. This generates more traffic in our primarily residential area where most residents live closer to the streets than newer suburban residential areas. These suburban residential areas were planned to limit access from the intrusion of surrounding arterials to enable residents to experience the quiet enjoyment of their properties--a constitutionally based right! . We residents should not be denied these same rights.
2. More appropriate along wide thoroughfares or freeway access routes where there is either an absence of residences or residences enjoy more distance from the site with the resulting protection from customer generated noise, pollution and litter.
3. Rarely, if ever, sited in or immediately adjacent to "upscale" residential neighborhoods. Approval of such land use in Midtown's lower income, higher rental areas demonstrates a mind-set of discriminating against residents and property owners who do not have the income and resources to locate in the more favored affluent areas.
4. Inconsistent with the Central City Housing Strategy which calls for more housing over retail and are in direct opposition to the goals of the City to protect neighborhoods from intrusive traffic. Such goals focus on discouraging larger volumes of vehicles and higher speeds.

Sacramento's inner city residential neighborhoods need all the protection they can get if they are to survive maintaining their current desirable balance of mix in incomes, ethnicity and lifestyles. This kind of inappropriate late-night land use can destroy that balance.

Handwritten notes:
 801 2100 52
 SACR. 4/18/94
 443 1142

President
Andrea Rosen
Vice President/Planning Chair
Ed Cox
Treasurer
Donavin Dressler
Secretary
Karen Jacques

Legal Chair
Marilee Hanson
Preservation Chair
Bonnie Parks
Architectural Chair
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Member at Large
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SACRAMENTO OLD CITY ASSOCIATION
Post Office Box 1022, Sacramento, California 95812

December 6, 1993

Members of the Planning Commission
1231 I Street
Sacramento, CA 95814

RE: P93-138, Jack-In-The-Box

Dear Members of the Commission,

The Sacramento Old City Association would like to urge you to deny the requested entitlements that would allow a drive-up service window for the above mentioned project. This project, if approved, will impact the overall integrity of J Street as a pedestrian oriented setting.

When the City adopted the Central City Housing Strategy in 1991, one of the key principles was to enhance the developments that make J Street a "living" street. One way of achieving this was to have new buildings follow the "residential over retail" pattern. A further enhancement would be to increase outdoor seating along the sidewalk. Despite the fact that this section of J Street has not been officially rezoned, we ask that you deny the requested special permit for the drive-thru window. Doing so will make it easier for the City to rezone this property from C2 to the mixed-use designation called for in the Housing Strategy. Allowing this project to go forward will be one more obstacle to making J Street the environment we all had envisioned.

Granting the special permit for a drive-thru facility would be accepting the applicant's argument that J Street should be developed for people who drive their cars through mid-town. Using the car as a basis of planning decisions is an affirmation of its dominance. This is contrary to the Goals and Objectives for balanced transportation systems as outlined in both the City's General Plan and the Central City Community Plan. The applicant argues that not having the drive-thru would kill the project, and that an establishment such as Jack-In-The-Box cannot survive any other way. We don't accept this argument.

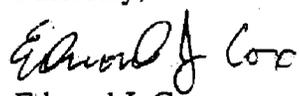
As an example of another way it can be done, we cite a building at Mason and Geary Streets in San Francisco. This is the vibrant theater district of the City, with high volumes of foot traffic. At this corner is an older building where the ground floor has a Jack-In-The-Box restaurant. Although this restaurant has no parking, it has no drive-thru windows, it survives. Business in this 100 or so seat establishment is so successful that it is open 24 hours a day. While J Street is not the theater district in San Francisco, allowing a proposal such as this one will preclude J Street from ever becoming as vibrant part of the area as it could be.

Even in midtown there are many nearby examples of establishments that have restaurants along the sidewalk. They should be considered to be a prototype for the area. For example, one block further east is the mixed use building designed by architect David Mogavero. The ground floor is occupied by Original Pete's and above it are residential units.

As proposed, this Jack-In-The-Box has features that would be an impact on the surrounding neighborhood. The drive-thru will cause more cars to be driving around the block in order to be headed the right direction on 19th Street. This could mean more cars in the residential neighborhood to the north—a problem we have been trying for many years to solve. As we have seen in neighborhoods that have drive-thrus restaurants, there is also an increase in the amount of trash thrown out into the streets. The large parking lot, especially with a pay phone in it will make it a place for loitering and disruptive noise. This could be a problem for the residents who live upstairs from the Taki restaurant just one parcel away.

The proposed project is a suburban solution to an urban problem. It employs a strategy much more applicable adjacent to a freeway, and should not be in the center of midtown. Instead of large grassy setbacks, we should be seeing buildings up against the sidewalks. Instead of a drive-thru window, we should be seeing a walk-up window. Instead of a small building surrounded by pavement we should be seeing a larger mixed-use building that would help to define our vision for J Street. We feel that by allowing the proposed project to go forward on this site, we will have lost yet one more opportunity to develop appropriately.

Sincerely,



Edward J. Cox
Vice-President, Planning

**RESOLUTION NO.
ADOPTED BY THE SACRAMENTO CITY PLANNING
COMMISSION**

ON DATE OF: _____

MITIGATION MONITORING PLAN FOR A SPECIAL PERMIT TO ALLOW A DRIVE UP SERVICE FACILITY FOR A JACK-IN-THE-BOX RESTAURANT ON 0.59 VACANT ACRES IN THE GENERAL COMMERCIAL (C-2) ZONE. APN: 007-0014-015. P93-138

WHEREAS, the City Planning Commission held a public hearing to review the above described project;

WHEREAS, the above described project has been given a Negative Declaration by the Environmental Coordinator; and

WHEREAS, the proposed Negative Declaration finds that the proposed project will not have a significant effect on the environment because mitigation measures have been added to the project; and

WHEREAS, in accordance with Section 21081.6 of the California Public Resources Code, the City of Sacramento requires that a Mitigation Monitoring Plan be developed for implementing mitigation measures as identified in the Initial Study for the project; and

WHEREAS, the applicant for the project has agreed to the provisions of the Mitigation Monitoring Plan as indicated on the Agreement contained in the attached Mitigation Monitoring Plan.

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

1. The Mitigation Monitoring Plan for the Jack-In-The-Box (P93-138) project for a Special Permit to allow a drive up service facility be approved and adopted as shown in the attached Mitigation Monitoring Plan dated December 1, 1993.

CHAIRPERSON

ATTEST:

Planning Commission Secretary

CITY OF SACRAMENTO

MITIGATION MONITORING PLAN

This Mitigation Monitoring Plan has been required and prepared by the Department of Planning and Development, Planning Division, 1231 I Street, Suite 301, Sacramento, CA 95814, (916) 264-5381, pursuant to California Environmental Quality Act Guidelines Section 21081.

SECTION 1: PROJECT IDENTIFICATION

Project Name / File Number: JACK-IN-THE-BOX (P93-138)
Owner: VELMA KING AND MICHELLE ODEIL
Address: 1430 BIRCHWOOD LANE
SACRAMENTO, CA 95822

Applicant: WALTER BALLON
Address: 530 BERECUT DRIVE, SUITE A
SACRAMENTO, CA 95814

Project Location:

1901 J Street, Sacramento, CA 95814. The site is also identified by Assessor Parcel Number (APN) #007-0014-015.

SECTION 2: GENERAL INFORMATION

The project as approved includes mitigation measures placed on the Noise and Cultural Resources. The intent of the Plan is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified within the Initial Study for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this Plan shall be funded by the owner/developer identified above.

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Project Description:

The subject site is located within the Central City Community Plan (CCCP) area. The 1986-2006 Sacramento General Plan Update (SGPU) designates the site as Community/Neighborhood Commercial & Offices, while the CCCP land use designation is General Commercial.

Currently the site is vacant and paved. There are a few scattered shrubs located on the project site. According to the Environmental Questionnaire, past uses on the project site include a restaurant (page A-3). There are two billboards located on the project site. The adjacent land uses are zoned and developed with commercial uses.

The project design includes the construction of a 60 seat 2,350 square foot restaurant. The applicant has requested the above referenced entitlement to allow for a drive-up window service for a Jack-In-The-Box restaurant. The proposed drive-thru is located along the north, south, and west extremities of the subject site. The project design includes 21 parking spaces. The proposed building will be one story in height (24± feet). The building design proposes a stucco facade with concrete tile roofing. As proposed, building colors will be white with red trim and a black roof. Parking lot and exterior building lighting is proposed. Signage includes a 25 foot high sign pole.

SECTION 3: PLAN CONTENTS

1. NOISE

- A. 1. All penetrations of exterior walls shall include a 1/2 inch airspace. This space shall be filled loosely with fiberglass insulation. The space shall then be sealed airtight on both sides of the wall with a resilient, non-hardening caulking or mastic.**
- 2. Skylights shall not be used unless they have an STC rating of 29 or better.**
- 3. Windows shall have a minimum STC rating of 28.**
- 4. Windows shall have an air infiltration rate of less than or equal to 0.15 CFM/lin. ft. when tested with a 25 mile hour wind per ASTM standards.**
- 5. An HVAC system shall be installed which will provide minimum air circulation and fresh air supply requirements.**

#5
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6. Gravity vent openings in attic space shall not exceed code minimum in size and number.
7. Alternative methods and materials may be used to achieve an interior noise level of 45 dB Ldn or less, provided the applicant submits documentation from a licensed acoustical engineer demonstrating the sound reduction qualities of the proposed materials.

ENTITY RESPONSIBLE FOR ENSURING COMPLIANCE

Department of Planning and Development, City of Sacramento

MONITORING PROGRAM

Prior to issuance of any Building Permit the Building Division shall require that the approved construction plans incorporate all of the applicable noise attenuation measures. The Building Division shall also require that site inspections are included on the Special Conditions Attachment. Prior to issuance of any Final Building Permits, Certificate of Occupancy or Certificate of Compliance, the Building Division shall require full compliance and completion of the specified noise attenuation measures.

2. CULTURAL RESOURCES

- B. If subsurface archaeological or historical remains (including unusual amounts of bones, stones, or shells) are discovered during excavation or construction of the site, work shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less-than-significant level before construction continues.

ENTITY RESPONSIBLE FOR ENSURING COMPLIANCE

Department of Planning and Development, City of Sacramento

Department of Public Works, City of Sacramento

MONITORING PROGRAM

Prior to issuance of any building permits by the Building Division, a suitable noise barrier shall be approved by the Planning Department. The noise barrier shall be constructed as part of the project site work. The Building Inspection Division will verify that the wall is constructed prior to final building permits, or issuance of a Certificate of Compliance or Certificate of Occupancy.

#5

MITIGATION AGREEMENT

PROJECT NAME / FILE NUMBER: Jack-In-The-Box (P93-138)

OWNER: Velam King & Michelle Odeil
ADDRESS: 1430 Birchwood Lane
Sacramento, CA 95822

APPLICANT: Walter Balloon
ADDRESS: 530 Bercut Drive, Suite A
Sacramento, CA 95814
(916) 448-5001

I, WALTER BALLOON (owner, authorized representative), agree to amend the project application P93-138 to incorporate the attached mitigation measures in the Initial Study dated November 18, 1993. I understand that by agreeing to these mitigation measures, all identified potentially significant environmental impacts should be reduced to below a level of significance, thereby enabling the Environmental Coordinator to prepare a Negative Declaration of environmental impact for the above referenced project.

I also understand that the City of Sacramento will adopt a Mitigation Monitoring Plan for this project. This Monitoring Plan will be prepared by the Department of Planning and Development pursuant to the California Environmental Quality Act Guidelines Section #21081 and pursuant to Article III of the City's Local Administrative Procedures for the Preparation of Environmental Documents.

I acknowledge that this project, Jack-In-The-Box (P93-138), would be subject to this plan at the time the plan is adopted. This plan will establish responsibilities for the monitoring of my project by various City Departments and by other public agencies under the terms of the agreed upon mitigation measures. I understand that the mitigation measures adopted for my project may require the expenditure of owner/developer funds where necessary to comply with the provisions of said mitigation measures.

Walter Balloon
Signature (Owner/Developer/Applicant)

APPLICANT
Title

12/9/93
Date