
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

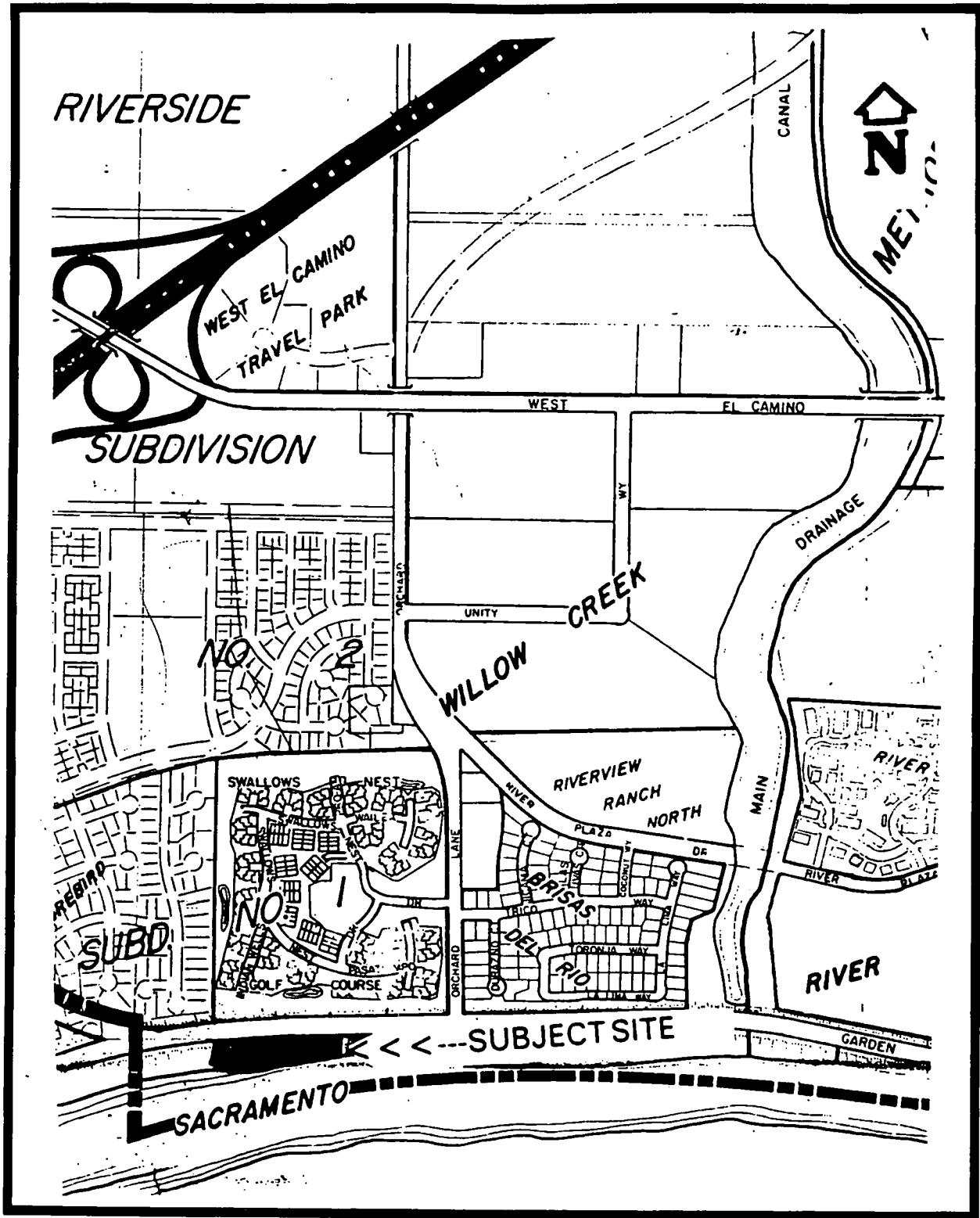
Attachment 1	Vicinity Map
Attachment 2	Land Use and Zoning Map
Attachment 3	Resolution Approving Special Permit Modification
Exhibit 3-A	Site Plan
Exhibit 3-B	Original Resolution Approving Special Permit

ATTACHMENT 1

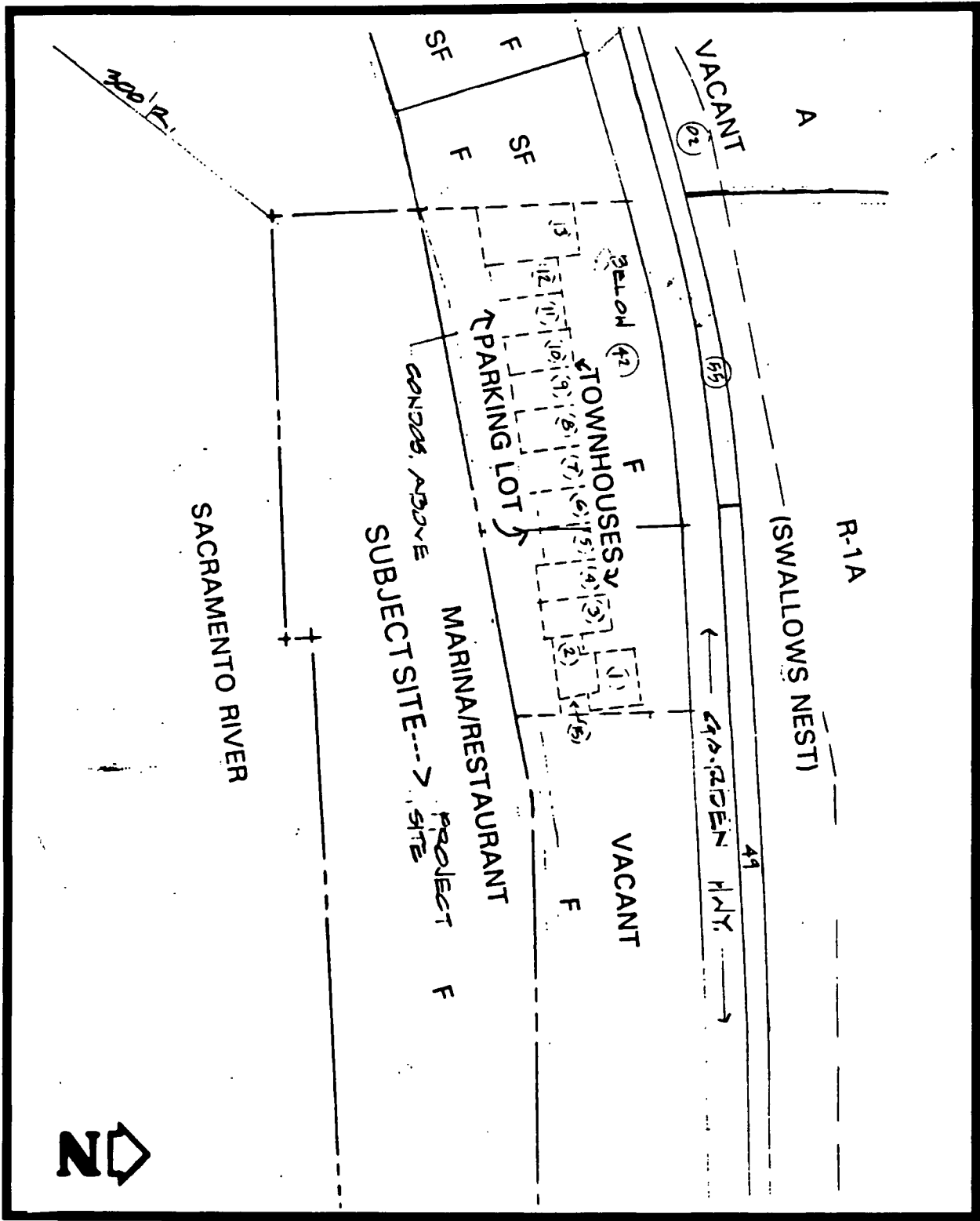
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VICINITY MAP



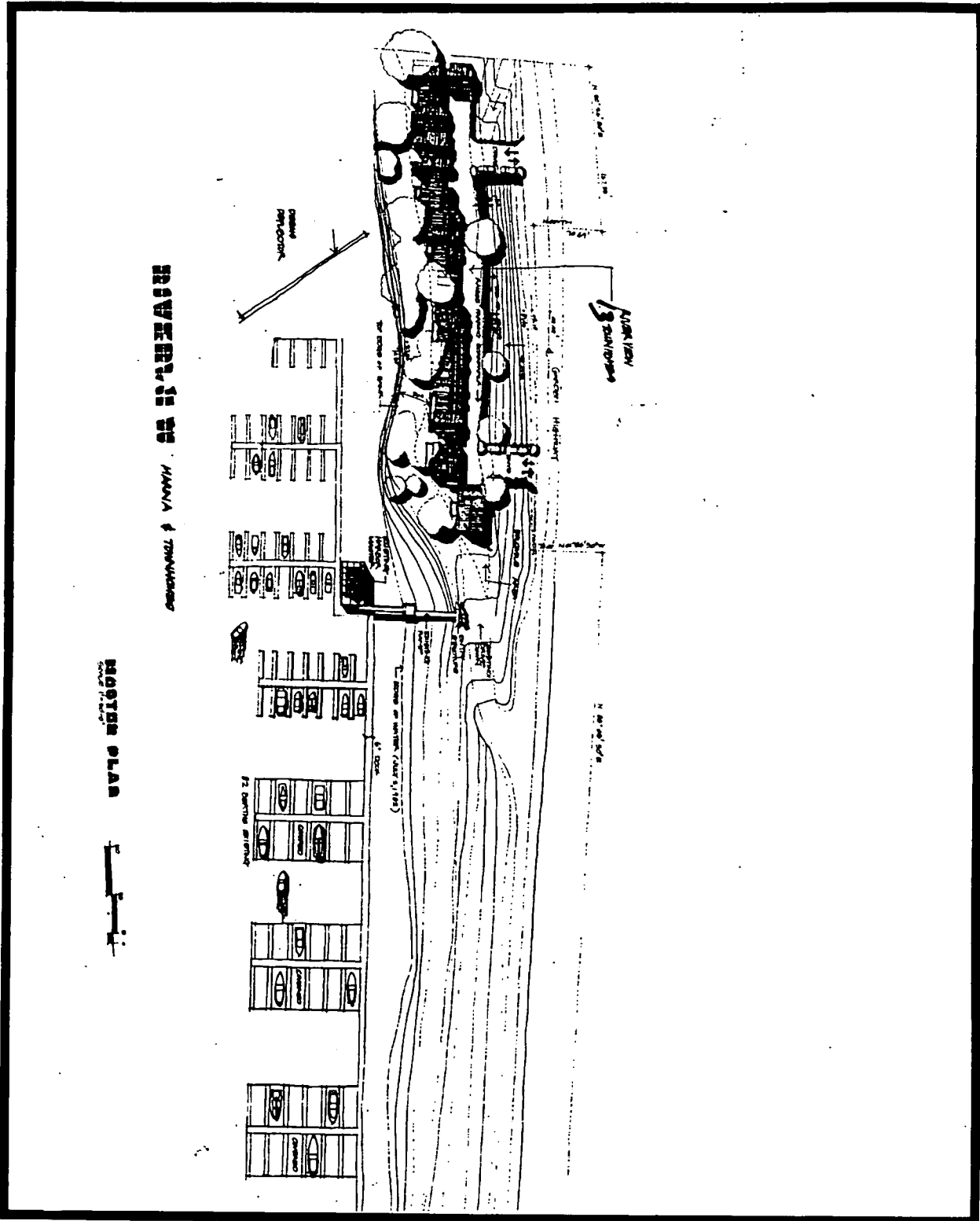
LAND USE AND ZONING MAP

EXHIBIT 3-A

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SITE PLAN

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RESOLUTION NO. 1476

ADOPTED BY THE SACRAMENTO PLANNING COMMISSION

ON DATE OF NOVEMBER 18, 1993

A RESOLUTION ADOPTING FINDINGS OF FACT AND
APPROVING A SPECIAL PERMIT FOR PROPERTY LOCATED
AT 1801 GARDEN HIGHWAY

(P91-158) (APN: 274-0030-063-0000)

WHEREAS, the City Planning Commission on November 18, 1993, held a public hearing on the request for approval of a special permit to allow a 49 seat restaurant for property located at the above described location;

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 is hereby approved based upon the following findings of fact:
 - A. The project, as conditioned, is based upon sound principles of land use in that:
 - 1) A restaurant is an ancillary use to the existing marina operation and is compatible with the existing mixed use development;
 - 2) Adequate parking will be provided for the restaurant; and
 - 3) The hours of operation have been limited to reduce noise impacts on the adjacent residential development.
 - B. 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 to eliminate nuisance producing activities. The Planning Division staff and the Planning Commission recognize that the Riverview Homeowner's have been exposed to nuisance like conditions due to the existing operation of the restaurant. The homeowner's have agreed to be neutral on this request based upon strict compliance by the restaurant owner with all of the conditions of approval.

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- C. The project is consistent with the General Plan which designates the site as major recreation or open space and the South Natomas Community Plan which designates the site as a riverfront district.
2. The Special Permit for the proposed 49 seat restaurant is hereby approved subject to the following conditions:
1. The hours of operation for the restaurant on Sunday through Thursday shall be from 10:00 a.m. until 10:00 p.m., in addition, no food or drink orders shall be taken after 9:30 p.m. and the hours of operation for the restaurant on Friday and Saturday shall be from 7:00 a.m. until 11:00 p.m., in addition, no food or drink orders shall be taken after 10:00 p.m.;
 2. The maximum seating in the restaurant shall not exceed 49 seats at any time;
 3. The restaurant shall be restricted to an on-sale beer and wine license only, a general liquor license is not permitted;
 4. Propane gas shall be used as the primary cooking method, mesquite and charcoal cooking is not permitted;
 5. The restaurant owner shall obtain written approval from the Riverview Homeowner's Association before having any live entertainment at the restaurant. Permission from the Homeowner's Association is required, and the Homeowner's Association is under no obligation to grant approval;
 6. Seating shall not be permitted on the levee side of the river. In addition, all tables and chairs shall be out of the direct line of sight of the adjacent townhouses. Outdoor seating shall be limited to the areas as shown on the attached site plan (Exhibit D-2). The applicant shall submit a detailed floor plan, indicating how the southwest and northeast corners of the barge will be marked as no seating areas, to the satisfaction of the Planning Director prior to issuance of an occupancy permit;
 7. A waiting area shall be designated on the first floor of the proposed restaurant. A bench seat may be added between the columns to provide the waiting area, this area will not be counted towards the seating capacity;
 8. Informational signage shall be posted at the entrances and exits of the restaurant encouraging patrons to observe the adjacent residential use. A sign proposal shall be submitted to the Planning Director for review approval prior to installation of informational signs;
 9. The restaurant shall have a host/hostess to greet customers, starting on the Friday of Memorial Day weekend continuing through the end of Labor Day weekend. A podium or station shall be constructed on the first floor of the restaurant adjacent to the waiting area to serve as a main check in for customers.

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10. The restaurant is currently closed for the winter season, the construction of the kitchen shall be completed prior to reopening the restaurant;
11. The exhaust from the restaurant shall be vented in a manner to reduce smoke and odor on the adjacent residential units. The location of the venting on the exterior of the building shall be as far away as possible from the adjacent residential units as is reasonably possible.
12. The Muckler odor control and exhaust equipment, as shown on Exhibit D-4, shall be installed according to manufacturer's specifications;
13. Noise level measurements should be conducted at the residences located nearest to the Jammin Salmon Restaurant, both with and without the new fan in operation, prior to issuance of a temporary occupancy permit. If the measured noise level with the fan in operation exceeds the measured ambient noise level by 3dB or more, noise mitigation measures sufficient to reduce fan noise levels to less than 3dB over ambient levels would be required. The noise level measurements should be conducted at such a time as the residents are most likely to be annoyed by the operation of the fan, (sometime between the hours of 8 and 10 p.m.). The noise level measurements should be conducted on the deck of the residence nearest to the restaurant for consecutive periods of 15 minutes with the fan in operation, and 15 minutes with the fan turned off. The measurements should be conducted during "typical" ambient noise periods (i.e. in the absence of significant noise sources such as aircraft and loud powerboats). The average (L_{eq}) noise level descriptor should be used for the comparison of ambient versus fan noise levels, with the meter set at "slow" response and using the "A"-weighting network. The microphone should be mounted on a tripod at 5 feet above the deck, pointed at the restaurant, and fitted with a windscreen.

If the measured fan noise levels exceed existing ambient noise levels by 3dB or more, a solid noise barrier should be erected around the fan to a height sufficient to intercept line of sight to all of the nearby residential patios and windows. If this measure fails to reduce fan noise levels to less than 3dB over ambient levels, additional noise mitigation would be required. Such mitigation may take the form of an acoustic duct silencer or other appropriate treatment (refer to exhibit D-5 for an approximate cost of this condition);
14. 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. If additional screening is required to mitigate noise additional drawings shall be required prior to installation of the screening;
15. To reduce noise from the walkways a sound absorbing material, to be approved by the Planning Director, will be installed on the ramp between the levee and the dock area;

16. The second staircase to be installed adjacent to the river levee shall have a noise barrier erected on the side of the walkway closest to the townhouses. The barrier shall be a continuous solid material of canvas, wood or metal and shall be maintained in good condition by the restaurant and/or marina operator. Detailed elevations and material samples shall be submitted to the Planning Director prior to issuance of a building permit;
17. There will be no operable windows facing the residential units, and no music speakers in areas other than in the areas specified for seating. Any doors with direct line of sight access to the residential units shall be equipped with automatic self closing hinges, these doors are not to be propped open;
18. The garbage dumpsters shall not be located underneath the existing townhouses. Within 60 days of the approval of the special permit, a trash enclosure shall be constructed around the existing dumpsters which are located on the levee, adjacent to the driveway entrance.
19. The trash enclosure shall be constructed to City standards. Detailed plans of the enclosure shall be submitted to the Planning Director for review and approval within 30 days of the approval of the special permit and the enclosure shall be constructed within 60 days of special permit approval;
20. The restaurant owner shall agree to have regular meetings with the Riverview Homeowner's Association as needed to address any concerns that might arise due to the operation of the restaurant;
21. All necessary building permits shall be obtained prior to construction;
22. The special permit for the proposed restaurant shall expire 24 months after approval unless a complete application for a special permit modification, requesting additional time is submitted a minimum of 30 days prior to the expiration of the special permit. Upon completion of the 24 months, the time restriction could be removed by the Planning Commission if the restaurant owner has complied with the conditions of approval; and
23. ***All physical construction required for the establishment of the restaurant shall be completed prior to issuance of a temporary certificate of occupancy (Added by staff).***

Vice - Rita Donahue
CHAIRPERSON

ATTEST:

Susanne Elmsted
SECRETARY TO PLANNING COMMISSION