

P95-053 JUMPIN' JACKS JAVA HOUSE

- REQUEST:
- A. **Negative Declaration**
 - B. **Special Permit** to re-establish a drive-through window for an existing restaurant on 0.60± acres in the General Commercial (C-2) zone, and
 - C. **Special Permit** to allow off-street vehicle parking on an adjacent lot in the General Commercial (C-2) zone.

LOCATION: 2008 Sutterville Road
018-0011-023 and 018-0011-026
Land Park Community Plan Area
Sacramento Unified School District
Council District 5

APPLICANT:	Nancy Kosak, 916/457-1500 1261 Los Molinos, Sacramento, CA 95864
OWNER:	Agneg Yenikomsnian, 408/356-7788 17605 Eaton Lane, Monteseveno, CA 95030
APPLICATION FILED:	June 12, 1995
STAFF CONTACT:	Mike Dale, 264-8309

SUMMARY/RECOMMENDATION:

The applicant is seeking the necessary entitlements to re-establish an existing drive-through facility in the Land Park area. The restaurant building has remained vacant for over one year necessitating the approval of a new Special Permit to allow operation of the existing drive-through element. The proposed "coffee-house" will provide 64 seats located both inside and outside the restaurant building. Parking is provided on two adjacent parcels.

The proposal's primary issues relate to traffic circulation and public safety. The existing drive-through facility has been reviewed by the Public Works and Police Departments and has been modified to their satisfaction. **Staff therefore recommends approval of the proposal subject to the conditions listed in the attached resolutions.**

PROJECT INFORMATION:

General Plan Designation: Community / Neighborhood Commercial & Offices
Zone: General Commercial (C-2)
Existing Land Use of Site: Restaurant w/ existing drive-through element

Surrounding Land Use and Zoning (see Attachment B):

North: City College; R-1
South: Gas Station and Parking Lot; C-2
East: Office; C-2
West: William Land Park; R-1

Property Dimensions: Irregular
Property Area: 0.60+ acres (26,852+ square feet)
Building Height: One Story
Seating Provided: 64
Parking Required: 21 (1 space per 3 seats)
Parking Provided: 28

OTHER APPROVALS REQUIRED: The existing restaurant and drive-through service facility are currently operational with existing building permits.

BACKGROUND INFORMATION: On July 14, 1983, the Planning Commission approved a Special Permit to establish a drive-through window in conjunction with the remodel of the existing restaurant at 2008 Sutterville Road (P83-180). Among the conditions of approval, the applicant was required to redesign the site to provide for additional landscaping and improved vehicular circulation.

STAFF EVALUATION: Staff has the following comments:

A. **Policy Considerations**

General Plan. The applicant's proposal is compatible with the General Plan's designation of "Community / Neighborhood Commercial and Offices" which is intended to accommodate local-serving uses such as small shopping centers. The proposed coffee house with drive-through element is considered consistent with the General Plan.

Zoning. Restaurants are permitted in the C-2 zone. However, Section 2-E-44 of the City's zoning ordinance requires approval of a Special Permit for drive-through service facilities which are incidental to a permitted use. The zoning ordinance

also requires approval of a Special Permit to allow the use of an adjacent or nearby sight for off-street parking. A further discussion of the applicant's request for the special permits is provided below.

B. Site Plan

The subject site consists of two adjacent parcels. Access to the site is achievable from Freeport Boulevard, Sutterville Road or the alley to the south (see attached Site Plan). The site accommodates a 2,700 square foot restaurant building, a 540 square foot un-enclosed patio, a drive-through service facility, and 28 parking spaces. The building, drive-through, and 15 of the parking spaces are located on parcel 018-0011-023; the remaining parking spaces are located on the adjacent lot to the east with parcel number 018-0011-026. The building and patio area will provide seating for approximately 64 customers.

The applicant does not propose any changes to the site's current configuration. However, the Public Works Department has made certain recommendations which are intended to improve vehicular circulation and enhance public safety. These comments are provided below under "Agency Comments."

C. Special Permit - Drive-Through Facility

The term "drive-through" refers to the drive-through lane, the ordering point and pick-up window, or any combination thereof. A Special Permit may not be granted for a drive-through facility unless the Planning Commission finds that:

1. ***The design and location of the facility will not contribute to increased congestion on public or private streets or alleys adjacent to the subject property.*** The Public Works Department has concluded that the project will not generate significantly more trips than the existing restaurant use.
2. ***The design and location of the facility will not impede access to or exit from the parking lot serving the business, impair normal circulation within the parking lot or impede pedestrian movement.*** The Public Works Department has made specific recommendations which will improve the configuration of vehicles in the drive-through lane and prevent hazards associated with vehicles entering the site. The recommendations are included as conditions of approval in the attached resolutions.
3. ***The design and location of the facility will not create a nuisance for adjacent properties.*** The site has accommodated a restaurant and drive-up service facility since 1983. The applicant's proposal to operate the drive-through facility during normal business hours is consistent with the

recommendations of the Police Department. The applicant will be required to post signage stating that the sale or consumption of alcoholic beverages on the premises is prohibited.

In addition to the above, standards pertaining to stacking distance, locations of driveways, drive-through lane dimensions, and hours of operation have been applied to the proposed drive-up service facility. The proposal has been reviewed by the Public Works Department for compliance with these safety requirements. The applicant proposes to operate the drive-through facility between the hours of 7:00 AM and 10:00 PM in keeping with the requirements of the zoning ordinance and recommendations of the Police Department.

D. Special Permit - Off-Site Parking

The two subject parcels are held under the same ownership. Staff's initial position was therefore to merge the parcels thereby establishing one land use on one lot. The applicant was resistant to merging the parcels due to the inconvenience that would be imposed upon the property owner. Staff therefore concluded that merging the parcels would not be necessary because the parcels have operated in unison without difficulty since approval of the original Special Permit in 1983. Staff therefore supports retaining separation of the two parcels subject to the following condition: In order to ensure that adequate parking is provided for the use, the Special Permit for the drive-through facility shall become invalid if the adjacent parking lot (APN: 008-0011-026) is eliminated or becomes non-suitable for parking.

PROJECT REVIEW PROCESS:

A. Environmental Determination

The proposal has been reviewed for potential environmental impacts. An Initial Study checklist was prepared for the project and identified potential impacts to air quality and transportation/circulation. However, the Initial Study discussion concluded that no significant impacts would occur. A Negative Declaration, with no mitigation measures, has therefore been prepared for the project.

B. Neighborhood Response

Staff issued an early notification to the Hollywood Park Neighborhood Association, the William Land Park Neighborhood Association, the Land Park Community Association, and Sierra Curtis Neighborhood Association, and Freeport Renovation on the Move. Staff subsequently followed-up with a phone call. To date, staff has received no opposition to the proposal.

C. Summary of Agency Comments

The Public Works Department recommends the removal of four parking spaces in order to ensure greater safety and efficiency of the drive-through facility. These spaces are located near the entries of Freeport Boulevard and Sutterville Road. The Department also recommends the location of "Exit Only" signage at the eastern driveway and extension of the painted drive-through lane to the northwest. The Police Department recommends that the drive-through lane be closed by no later than 10 PM and that signage be posted which states that alcoholic beverages are not to be sold or consumed on-site. These comments and others are provided as conditions of approval in the attached resolutions.

PROJECT APPROVAL PROCESS: The Planning Commission has the authority to approve or deny the requested Special Permits. The Planning Commission action may be appealed to the City Council within 10 days of the Planning Commission action.

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

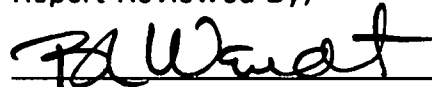
- Ratify the Negative Declaration
- Adopt the attached Resolution approving a Special Permit to re-establish a drive-through window for an existing restaurant on 0.60± acres in the General Commercial (C-2) zone subject to conditions and findings of fact, and
- Adopt the attached Resolution approving a Special Permit to allow off-street vehicle parking on an adjacent lot in the General Commercial (C-2) zone subject to conditions and findings of fact.

Report Prepared By,



Mike Dale, Associate Planner

Report Reviewed By,

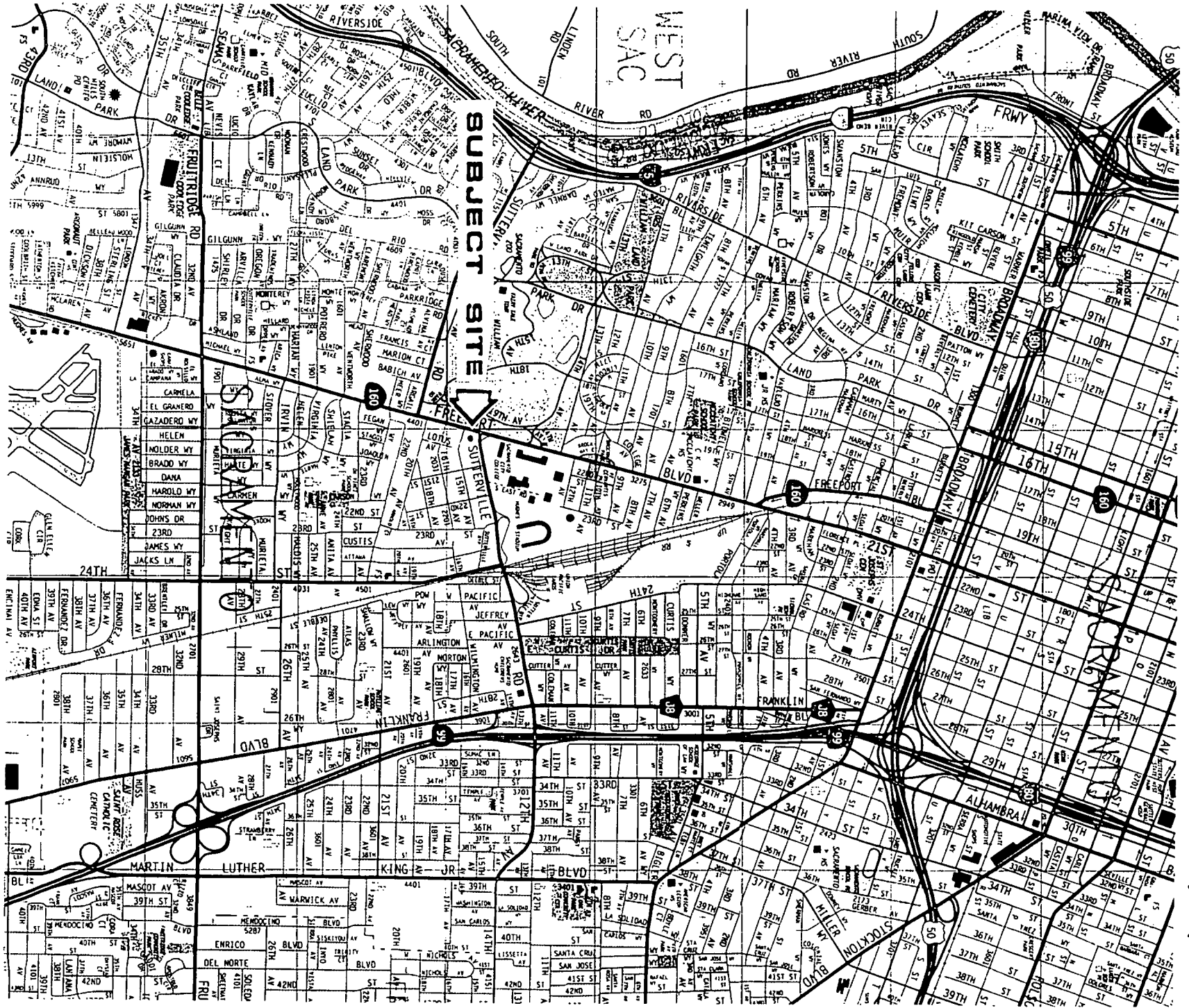


Barbara Wendt, Senior Planner

Attachments

Attachment A
Attachment B
Attachment C
Exhibit C-1
Exhibit C-2
Exhibit C-3
Exhibit C-4
Attachment D

Vicinity Map
Land Use and Zoning Map
Resolution - Drive-Through Facility
Site Plan
Floor Plan
Irrigation and Planting Plan
Exterior Elevations
Resolution - Off-Site Parking



Attachment A
Vicinity Map

**Attachment C
Resolution - Special Permit - Drive-Through Facility**

RESOLUTION NO. 1835

ADOPTED BY THE SACRAMENTO PLANNING COMMISSION
ON DATE OF SEPTEMBER 28, 1995.

A RESOLUTION ADOPTING FINDINGS OF FACT AND
APPROVING A SPECIAL PERMIT FOR PROPERTY LOCATED
AT 2008 SUTTERVILLE ROAD.

(P95-053) (APNs: 018-0011-023, 018-0011-026)

WHEREAS, the City Planning Commission on September 28, 1995, held a public hearing on the request for approval of a Special Permit to re-establish a drive-through window for an existing restaurant on 0.60± acres in the General Commercial (C-2) zone at the above described location; and

WHEREAS, the Planning Department, Development Services Division, has determined that the proposed project would not have a significant effect on the environment and has issued a Negative Declaration for the project; and

WHEREAS, 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 approved based upon the following findings of fact:
 - a. **The Special Permit is granted upon sound principles of land use in that:**
 1. The subject site is commercially designated, zoned, and utilized;
 2. The design and location of the facility will not contribute to increased congestion on public or private streets or alleys adjacent to the subject property; and
 3. The design and location of the facility will not impede access to or exit from the parking lot serving the business, impair normal circulation within the parking lot or impede pedestrian movement.

- b. **The special permit will not be detrimental to the public health, safety or welfare, or result in the creation of a nuisance in that:**
1. The design and location of the facility will not create a nuisance for adjacent properties;
 2. The sale or consumption of alcoholic beverages will be prohibited; and
 3. Operation of the drive-through element will cease no later than 10 PM.
- c. **The special permit complies with the objectives of the general or specific plan for the area in which it is to be located in that:**
1. The proposal is compatible with the "Community / Neighborhood Commercial & Offices" designation of the General Plan; and
 2. The proposal is consistent with the assumed level of commercial activity for this location.

2. **The Special Permit is approved subject to the following conditions:**

- a. Signage shall be placed at the EXIT ONLY driveways on Sutterville Road to be visible to eastbound traffic. *(amended by staff 9/27/95)*
- b. Eliminate the first 2 parking spaces on the south side of the Freeport Boulevard entrance. (These spaces may not be used for employee parking as enforcement is impossible.)
- c. Eliminate the first 2 parking spaces on the east side of the Sutterville Road entrance.

or

Revise the entrance to an "Exit Only" with signage and physical constraints to the satisfaction of the Public Works Department. (amended by staff 9/27/95)

- d. Extend the painted drive-through lane to the northwest. An access lane between the drive-through lane and the south property line shall be retained to the satisfaction of the Traffic Engineer.

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- c. Operation of the drive-through element shall cease by no later than 10:00 PM.
 - d. No alcoholic beverages shall be sold or consumed on premises and signage shall be posted to notify patrons of this restriction.
 - e. The Special Permit for the drive-through facility shall be deemed invalid if the adjacent parking lot (APN: 008-0011-026) is eliminated or becomes non-suitable for vehicle parking.
 - f. ***Any graffiti shall be removed from the premises within 48 hours of its appearance. (amended by staff 9/28/95)***

CHAIRPERSON

ATTEST:

SECRETARY TO PLANNING COMMISSION

P95-053

Exhibit C-1
Site Plan

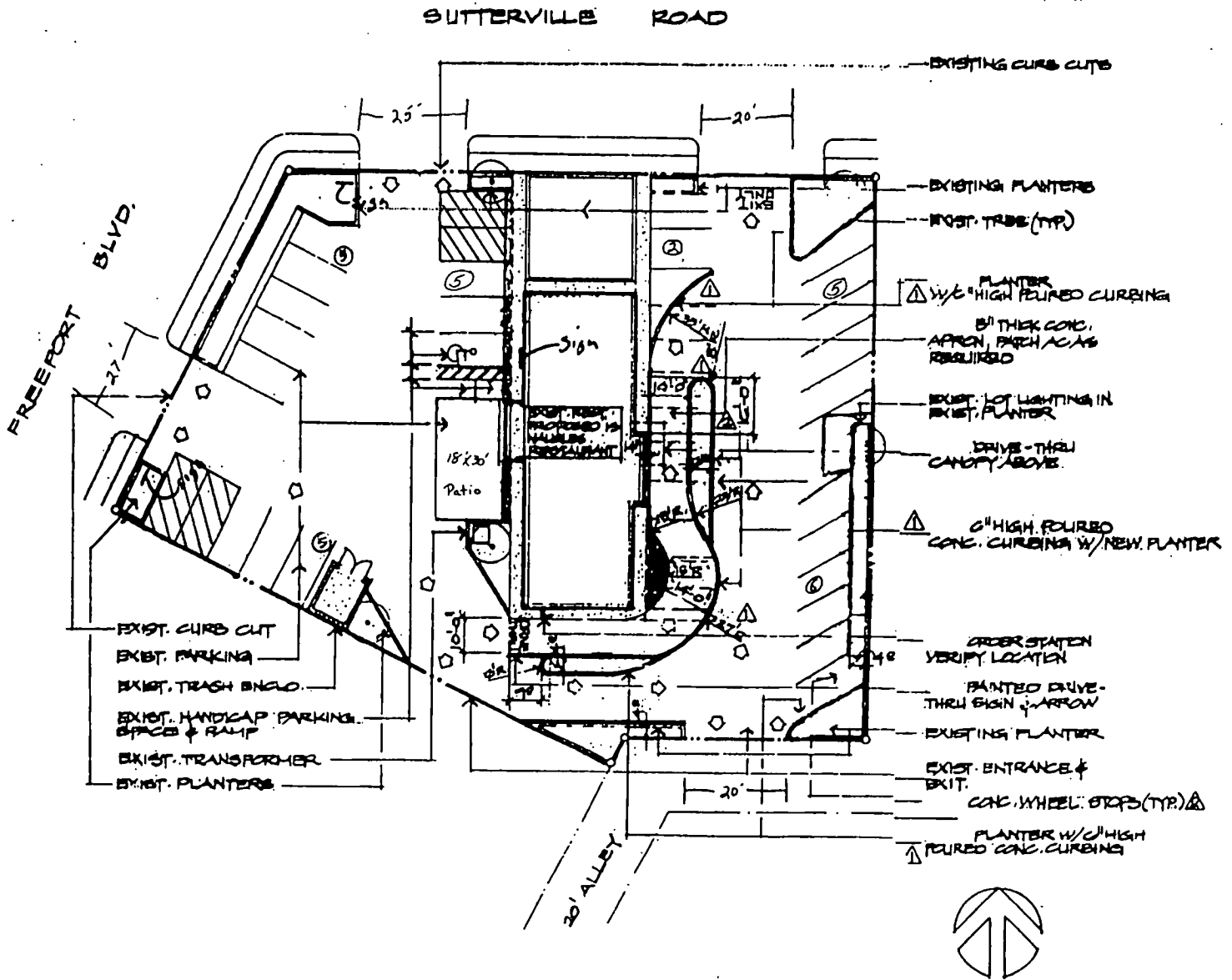
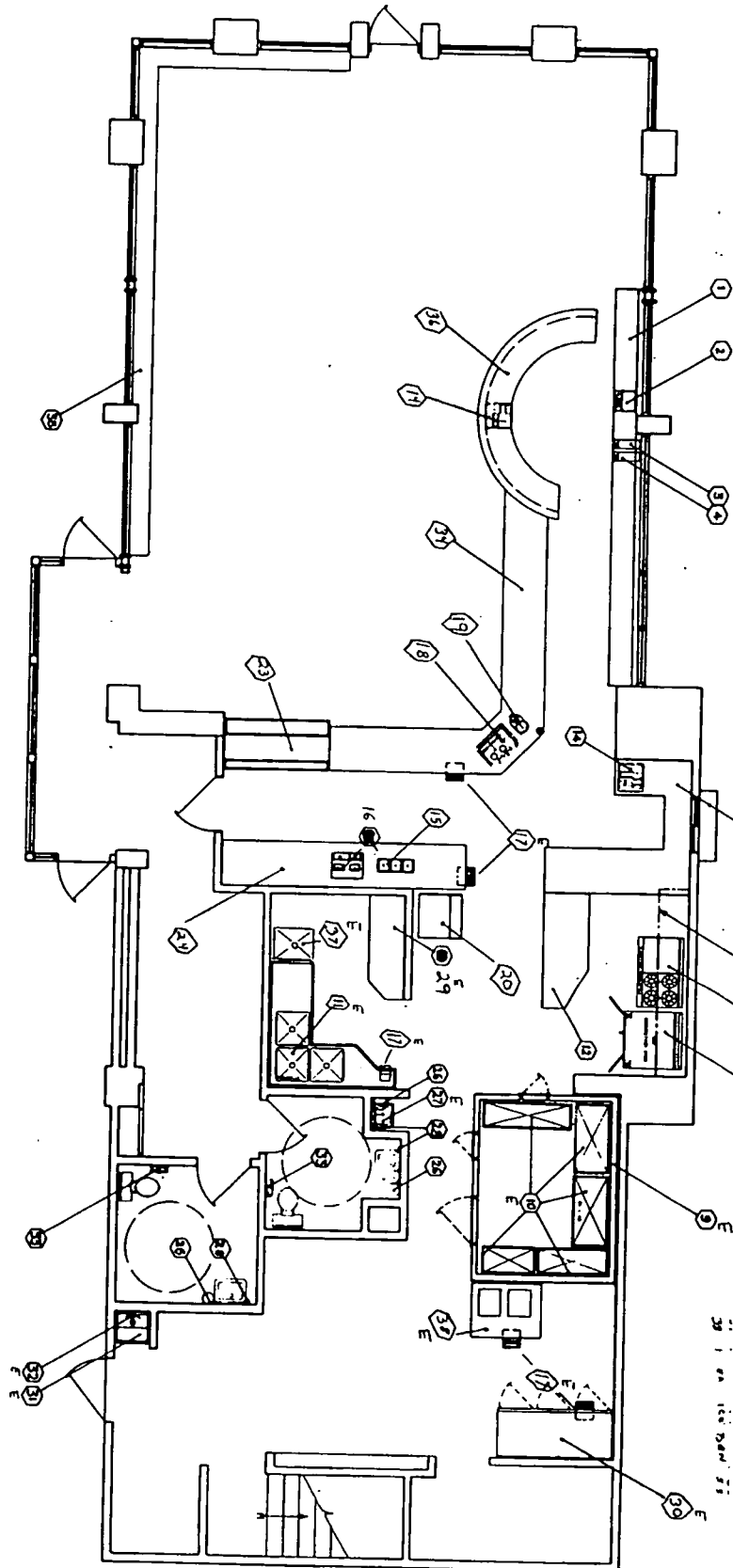


Exhibit C-2
Floor Plan



North



Exhibit C-3
Planting and Irrigation Plan

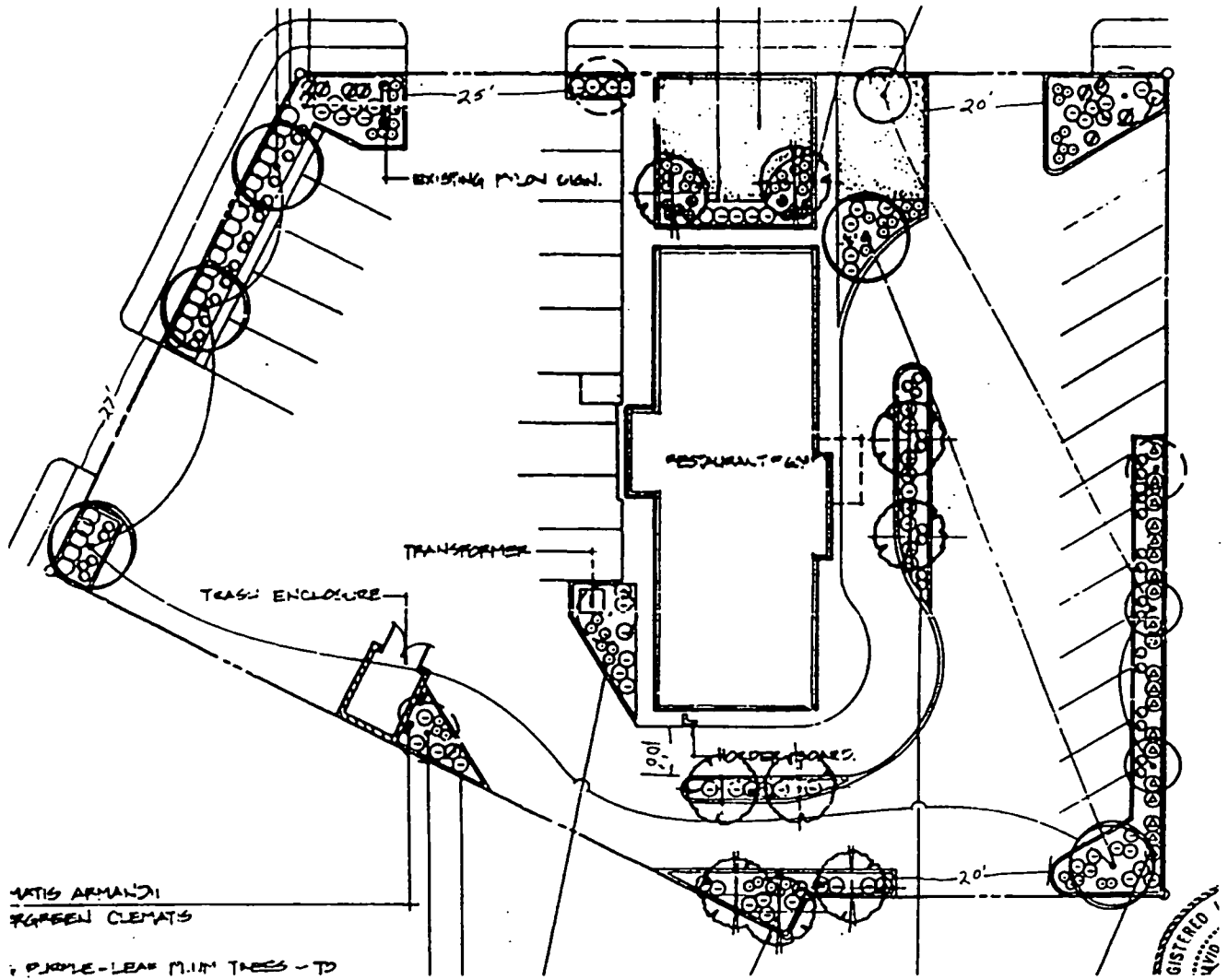
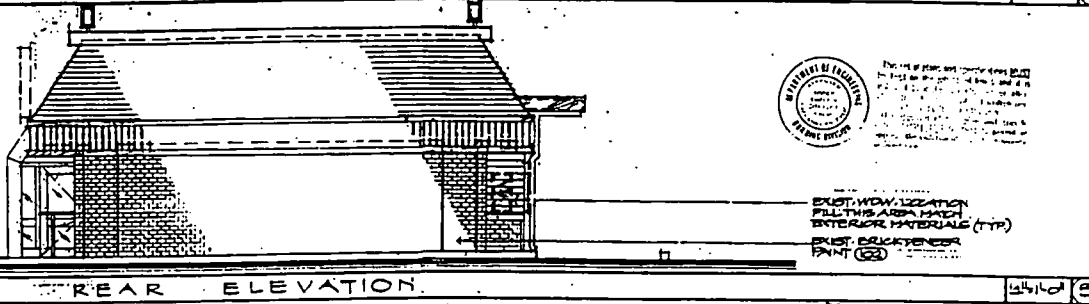
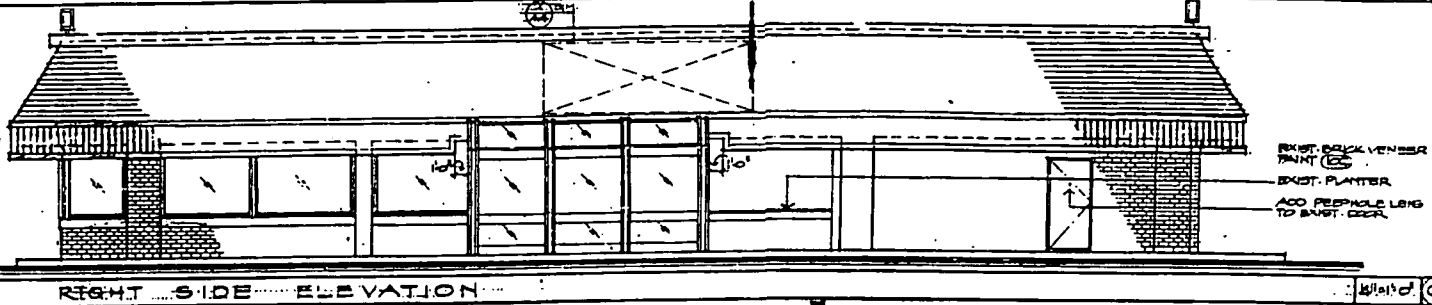
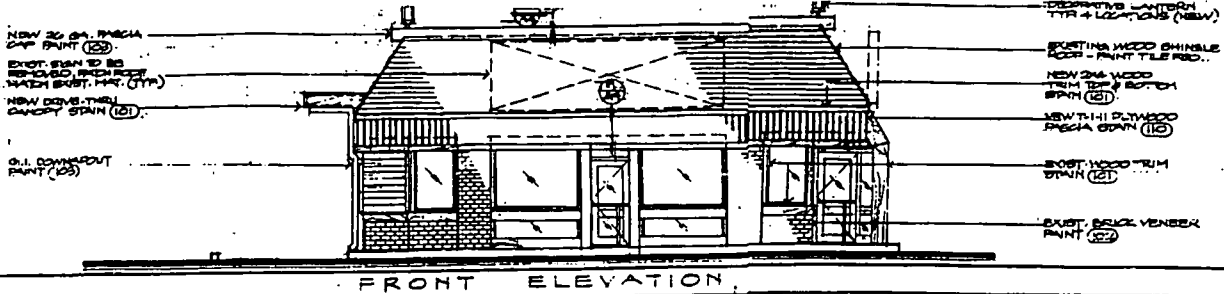


Exhibit C-4
Exterior Elevations



**Attachment D
Resolution - Special Permit - Off-Site Parking**

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO PLANNING COMMISSION
ON DATE OF SEPTEMBER 28, 1995.

A RESOLUTION ADOPTING FINDINGS OF FACT AND
APPROVING A SPECIAL PERMIT FOR PROPERTY LOCATED
AT 2008 SUTTERVILLE ROAD.

(P95-053) (APNs: 018-0011-023, 018-0011-026)

WHEREAS, the City Planning Commission on September 28, 1995, held a public hearing on the request for approval of a Special Permit to allow off-street parking on an adjacent lot in the General Commercial (-2) zone at the above described location; and

WHEREAS, the Planning Department, Development Services Division, has determined that the proposed project would not have a significant effect on the environment and has issued a Negative Declaration for the project; and

WHEREAS, 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 approved based upon the following findings of fact:
 - a. **The Special Permit is granted upon sound principles of land use in that:**
 1. The subject site is commercially designated, zoned, and utilized; and
 2. The parking lot provides needed parking and maneuvering area for the adjacent drive-through restaurant.
 - b. **The special permit will not be detrimental to the public health, safety or welfare, or result in the creation of a nuisance in that:**
 1. The parking lot has provided parking for the adjacent restaurant for a long period of time without difficulty; and



2. The sale or consumption of alcoholic beverages will be prohibited.
- c. **The special permit complies with the objectives of the general or specific plan for the area in which it is to be located in that:**
 1. The proposal is compatible with the "Community / Neighborhood Commercial & Offices" designation of the General Plan; and
 2. The proposal is consistent with the assumed level of commercial activity for this location.
2. The Special Permit is approved subject to the following conditions:
 - a. Signage shall be placed at the EXIT ONLY driveways on Sutterville Road to be visible to eastbound traffic. *(amended by staff 9/27/95)*
 - b. Operation of the drive-through element shall cease by no later than 10:00 PM.
 - d. No alcoholic beverages shall be sold or consumed on the premises and signage shall be posted to notify patrons of this restriction.
 - e. The Special Permit for the adjoining drive-through facility shall be deemed invalid if the parking lot (APN: 008-0011-026) is eliminated or becomes non-suitable for vehicle parking.

CHAIRPERSON

ATTEST:

SECRETARY TO PLANNING COMMISSION

P95-053