

**CITY PLANNING COMMISSION**  
**1231 I STREET, SUITE 200, SACRAMENTO, CALIFORNIA 95814**

APPLICANT	FOODMAKER, INC. 2395 American Avenue, Hayward, California 94545		
OWNER	STOCKTON PARTNERS, 369 San Miguel Drive, #100, Newport Beach, California 2660		
PLANS BY	FOODMAKER, INC. 2395 American Avenue, Hayward, California 94545		
FILING DATE	1/13/89	ENVIR. DET.	Exempt 15301 e
ASSESSOR'S PCL. NO.	022-0280-027	REPORT BY	CL:vf

- APPLICATION:**
- A. Special Permit for a drive-up service window in conjunction with a 2,550± sq. ft. restaurant on 0.7± vacant acres in the General Commercial (C-2) zone.
  - B. Variance to locate the required backout and maneuvering area for six parking spaces off-site on an adjacent parcel.

**LOCATION:** West side of Stockton Boulevard, 170'± north of Fruitridge Road

**PROPOSAL:** The applicant is requesting the necessary entitlements to construct a 2,550± sq. ft. restaurant with 58 seats and a 24 hour drive-up window.

**PROJECT INFORMATION:**

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

Surrounding Land Use and Zoning:	Setbacks:	Required	Provided
North: Retail Commercial; C-2	Front:	50'	95'
South: Retail Commercial; C-2	Side(Int):	0'	24'
East : Retail Commercial; C-4	Side(Int):	0'	67'-10"
West : Retail Commercial; C-2	Rear:	0'	76'

Parking Required:	20 spaces
Parking Provided:	23 spaces
Property Dimensions:	Irregular
Property Area:	0.70± acres
Square Footage of Building:	2,550 sq. ft.
Height of Building:	19' - 4"
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing
Exterior Building Materials:	Stucco
Roof Material:	Painted anodized aluminum canopy

**BACKGROUND INFORMATION:** The Planning Commission, on June 25, 1987, approved a special permit for a drive-through for a 4,500 square foot Jack-in-The-Box containing 82 seats. Also approved was a variance to locate back-out and maneuvering area for six parking spaces off-site. The applicant has reduced the size of the restaurant and number of seats, requiring a special permit modification. Since the special permit is due to expire

in June, the applicant has applied for a new special permit rather than a modification of the existing special permit.

PROJECT EVALUATION: Staff has the following comments:

A. Land Use/Zoning

The subject site consists of 0.70± vacant acres in the General Commercial (C-2) zone. The General Plan designates the site Community/Neighborhood Commercial. The surrounding zoning is C-2, except to the east which is zoned C-4 and the surrounding land uses are retail commercial.

B. Applicant's Proposal

The applicant is proposing to construct a 2,550 square foot Jack-In-The-Box restaurant with 58 seats and a 24 hour drive-through facility.

C. Parking

To accommodate a fifty-eight seat restaurant, 20 parking spaces are required. The applicant has proposed 23 spaces. Six of these parking spaces require the use of the existing shopping center driveway off-site in order to provide the required backout and maneuvering area. The applicant has provided staff with a reciprocal access agreement from the shopping center. Staff has no objection to the variance request to locate the required backout and maneuvering area off-site.

D. Landscaping

The applicant has submitted a landscape plan. The landscaping must meet all the requirements of the Tree Shading Ordinance.

E. Building Design

The submitted elevations are compatible with the existing shopping center design. The exterior building material is stucco and the roof consists of a painted, anodized aluminum canopy.

F. Signs

The applicant has submitted a sign program showing a detached monument sign, two attached signs, menu and speaker boards and various directional signs. The proposed directional signs show the company logo, which is a violation of the Sign Ordinance. The remaining signs conform to the regulations.

G. Trash Enclosure

The trash enclosure located on the site must meet the requirements of the City Zoning Ordinance.

H. Agency Comments

The proposed project was reviewed by City Transportation Division and City Engineering Division. The following comments were received from Transportation:

1. Repair and replace any substandard improvements.
2. Stacking distance in drive-up will accommodate 10 cars - four prior to ordering board and four cars between ordering board and window; and
3. Minimum driveway width is 24 feet.

ENVIRONMENTAL DETERMINATION: The project is exempt from environmental review pursuant to State EIR Guidelines (CEQA Section 15301e).

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

- A. Approve the special permit for a drive-through window in conjunction with a 2,550 square foot restaurant subject to conditions and based upon findings of fact which follow:
- B. Approve the variance to locate the required back-out and maneuvering area for six parking spaces off-site on an adjacent parcel, based upon findings of fact which follow:

Conditions/Special Permit

1. The landscape plan shall comply with the Tree Shading Ordinance.
2. The signs shall meet the requirements of the Sign Ordinance.
3. The trash enclosure shall meet Zoning Ordinance specifications.
4. The project shall be developed as shown on the submitted plans.

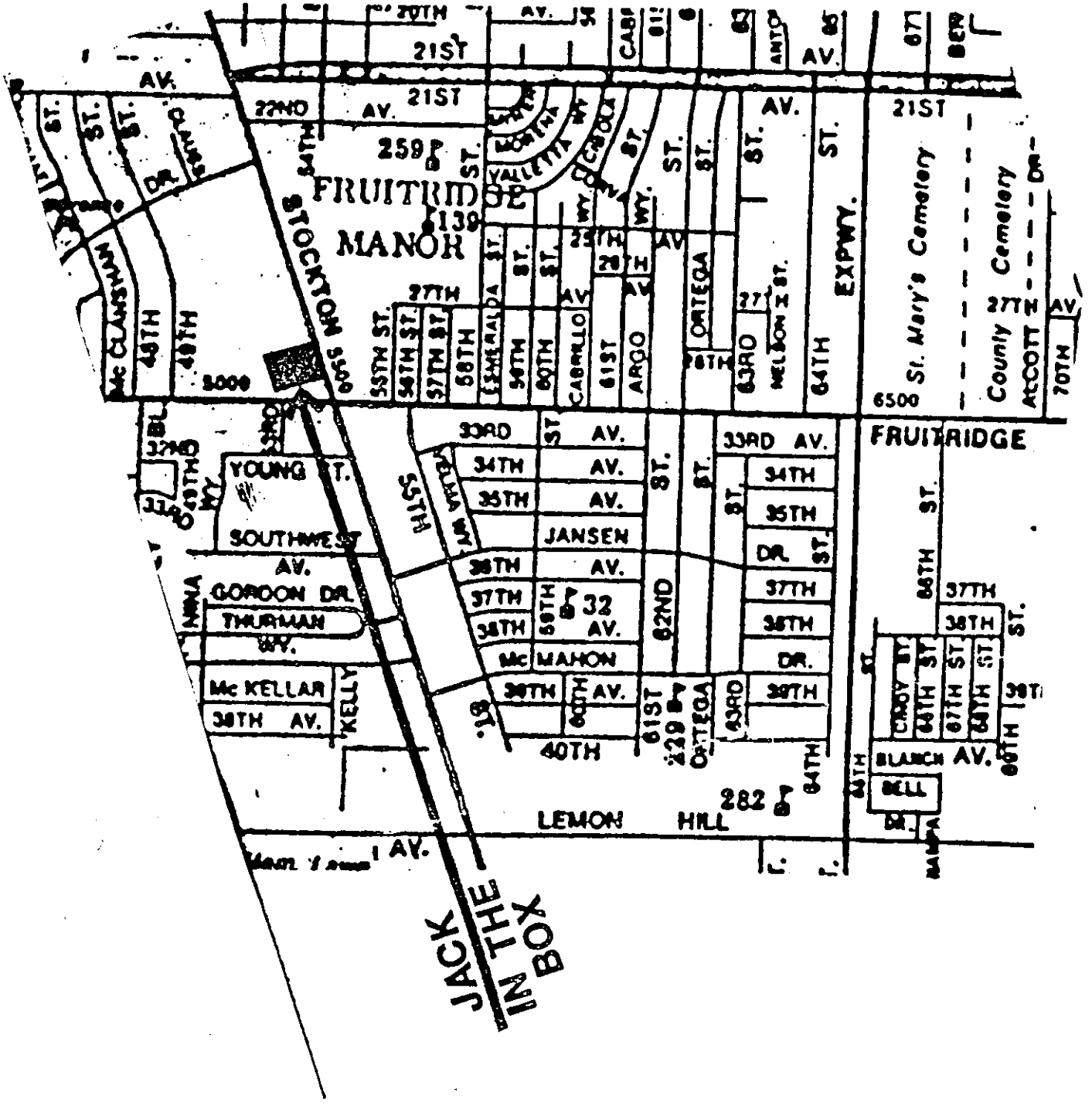
Findings of Fact/Special Permit

1. The proposed project, as conditioned, is based upon sound principles of land use in that the project is a commercial use in a commercial zone.
2. The project will not be detrimental to the public health, safety or welfare or result in a nuisance in that:

- a. adequate on-site parking and landscaping is provided;  
and
  - b. the building design is compatible with the existing shopping center.
3. The project is consistent with the General Plan which designates the site as Community/Neighborhood Commercial.

Findings of Fact/Variance

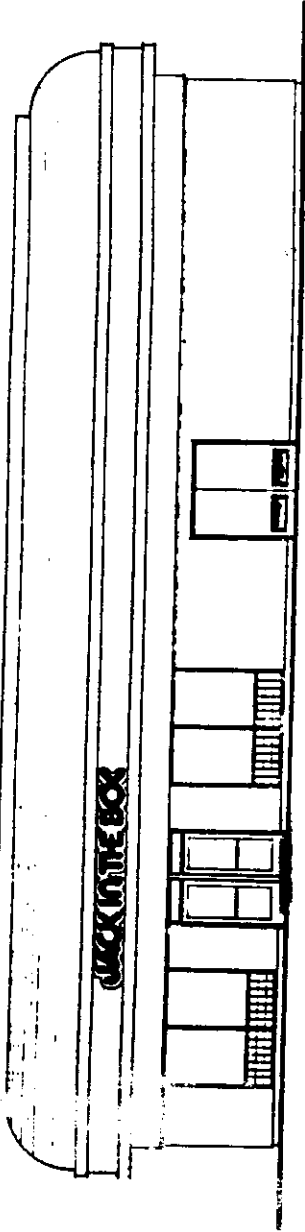
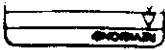
1. Granting the variance would not constitute a special privilege to one property owner in that the variance would be granted to other property owners facing similar circumstances.
2. The requested variance does not constitute a use variance in that parking is allowed in the C-2 zone.
3. Granting the variance would not be injurious to public health, safety or welfare in that adequate parking is provided on-site and there is adequate area off-site for backout and maneuvering.
4. The project is consistent with the General Plan which designates the site as Community/Neighborhood Commercial.



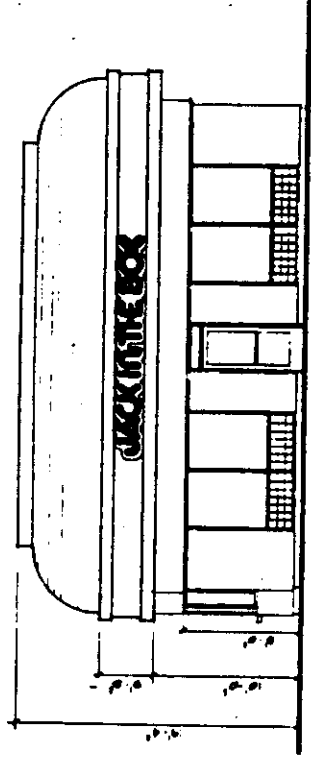
VICINITY MAP



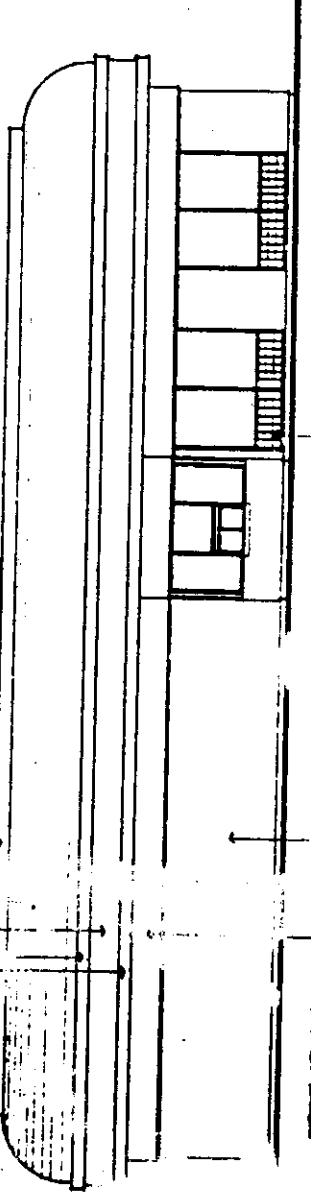




RIGHT ELEVATION



FRONT ELEVATION



REAR ELEVATION

NOTES:  
1. SEE PLAN FOR WINDOW AND DOOR SIZES.  
2. SEE PLAN FOR WINDOW AND DOOR SIZES.  
3. SEE PLAN FOR WINDOW AND DOOR SIZES.  
4. SEE PLAN FOR WINDOW AND DOOR SIZES.  
5. SEE PLAN FOR WINDOW AND DOOR SIZES.

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