

P97-126 - 53rd Street Taco Bell

- NOTICE OF DECISION:
- A. **Environmental Determination:** Negative Declaration
  - B. **Special Permit** to operate a drive-up service facility for a 2,100± sq. ft., 52± seat restaurant on a total of 0.63± vacant developed acres in the General Commercial (C2) zone.
  - C. **Variance** to operate a drive-up service facility later than 10:00 P.M. on a site contiguous to the Standard Single Family (R-1) zone.

LOCATION: 5230 Folsom Blvd.  
APN: 008-0433-022  
East Sacramento Community Area  
Council District 3

APPLICANT:	Steve Pulcheon, Taco Bell Corporation, 714-863-3864 17901 Von Karman Irvine, CA 92614
OWNER:	Bank of America 555 California Street San Francisco, CA 94111
APPLICATION FILED:	November 13, 1997
STAFF CONTACT:	Brad Shirhall, 916-264-7483

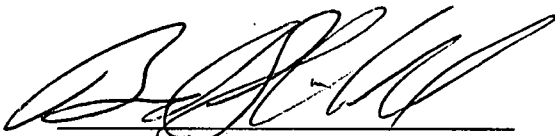
**BACKGROUND:** On April 23, 1998 the Planning Commission heard and considered public testimony regarding a rezone application and the above entitlements. Based on verbal and documentary evidence presented at said hearing, the Commission forwarded its recommendation to the City Council to approve the Rezone, and approved an intent motion to deny the Special Permit and the Variance. This Notice of Decision presents the findings of fact necessary for the Planning Commission to formally deny the Special Permit and the Variance request, and ratify the Negative Declaration.

PROJECT APPROVAL PROCESS: Of the entitlements below, Planning Commission has the authority to approve or deny items A, B, and C. The Planning Commission action may be appealed to the City Council. The appeal must occur within 10 days of the Planning Commission action.

Staff recommends the Planning Commission take the following actions:

- A. Adopt the attached Notice of Decision and Findings of Fact ratifying the Negative Declaration;
- B. Adopt the attached Notice of Decision and Findings of Fact denying the Special Permit to operate a drive-up service facility for a 2,100± sq. ft., 52± seat restaurant on a total of 0.63± vacant developed acres in the General Commercial (C2) zone;
- C. Adopt the attached Notice of Decision and Findings of Fact denying the Variance to operate a drive-up service facility later than 10:00 P.M. on a site contiguous to the Standard Single Family (R-1) zone.

Report Prepared By,



Brad Shirhall, Associate Planner

Report Reviewed By,



Steve Peterson, Senior Planner

Attachments

Attachment 1      Notice of Decision & Findings of Fact

**NOTICE OF DECISION AND FINDINGS OF FACT FOR  
53<sup>RD</sup> STREET TACO BELL, LOCATED AT 5230 FOLSOM BLVD. SACRAMENTO,  
CALIFORNIA IN THE GENERAL COMMERCIAL (C-2) ZONE (P97-126)**

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At the regular meeting of May 28, 1998, the City Planning Commission heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Planning Commission took the following actions for the location listed above:

- A. Ratified the Negative Declaration
- B. Denied the Special Permit to operate a drive-up service facility for a 2,100± sq. ft., 52± seat restaurant on a total of 0.63± vacant developed acres in the General Commercial (C2) zone.
- C. Denied the Variance to operate a drive-up service facility later than 10:00 P.M. on a site contiguous to the Standard Single Family (R-1) zone.

These actions were made based upon the following findings of fact and subject to the following conditions:

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**FINDINGS OF FACT**

- A. Negative Declaration: The City Planning Commission approves the Negative Declaration (the Negative Declaration is approved), based upon the following findings:
  1. The Negative Declaration was prepared and circulated for the above-identified project pursuant to the requirements of CEQA;
  2. The proposed Negative Declaration and comments received during the public review process were considered prior to action being taken on the project;
  3. Based upon the Initial Study and the comments received during the public review process, there is no substantial evidence that the project will have a significant effect on the environment.
- B. The Special Permit to operate a drive-up service facility for a 2,100± sq. ft., 52± seat restaurant on a total of 0.63± vacant developed acres in the General Commercial (C2) zone is denied subject to the following findings of fact:
  1. The proposed use will operate in a manner on an infill lot that is incompatible with

the existing character of the adjacent residential neighborhood.

2. The design and location of the facility will contribute to increased traffic congestion and pedestrian conflicts, including potential safety problems with school children.
  3. The design and location of the facility will create noise, odor and other nuisances for adjacent properties.
- C. The Variance to operate a drive-up service facility later than 10:00 p.m. on a site contiguous to the Standard Single Family (R-1) zone is denied subject to the following findings of fact:
1. Granting the variance would constitute a special privilege in that other drive-up service facilities adjacent to residential uses would not be granted similar variances.
  2. Granting the variance would be detrimental to the public welfare, in that operation of the drive-up facility past 10:00 P.M., on a site contiguous to a residentially used parcel, would create excessive noise and traffic in a residential neighborhood.

  
CHAIRPERSON

ATTEST:

  
SECRETARY TO CITY PLANNING COMMISSION

5-28-98  
DATE (P97-126)