

P94-049 TACO BELL

- REQUEST:
- A. Negative Declaration;
  - B. Mitigation Monitoring Plan;
  - C. Special Permit to allow a drive-up service for a fast food restaurant on 0.6428 $\pm$  developed acres in the General Commercial (C-2) zone; and
  - D. Lot Line Adjustment to relocate the common property lines within the Camellia Shopping Center located at 5600/5730 Folsom Boulevard in the General Commercial (C-2) zone.

LOCATION: 5600/5730 Folsom Boulevard  
APN:008-0010-016, and 017  
East Sacramento Community area  
Council District #3

APPLICANT:	Camellia Shopping Center c/o Potter-Taylor & Company 1425 River Park Drive, Suite #201 Sacramento, CA 95815 (916) 923-0200
OWNER:	Same As Above
APPLICATION FILED:	May 11, 1994
STAFF CONTACT:	Laura Conti, 264-8287

SUMMARY/RECOMMENDATION:

The applicant proposes to construct a 1,922 $\pm$  square foot, 72 seat restaurant with 32 on-site parking spaces on a 0.6 $\pm$  acre developed parcel. The subject parcel is within the Camellia Shopping Center which is approximately 8 acres. In order to meet the applicant's objectives, the project requires the discretionary planning entitlements described above. In evaluating the project, the basic issues relate to site and building design, compatibility of uses, and neighborhood opposition (e.g. hours of operation, traffic, noise, litter, and on-site security). **Staff recommends approval of the project**

**subject to conditions.** This recommendation is based on the project's consistency with the policies in the General Plan and the standards of the Zoning Ordinance, the proposed uses compatibility with an existing shopping center, the opportunity to improve/address existing problems impacting a residential neighborhood (relating to the existing Taco Bell), and compatibility with the adjacent commercial land uses.

**PROJECT INFORMATION:**

General Plan Designation:	Community/Neighborhood Commercial & Offices
Existing Land Use of Site:	Shell Gas Station
Existing Zoning of Site:	General Commercial; C-2

**Surrounding Land Use and Zoning:**

North: Commercial; C-2  
 South: Shopping Center and SMUD Maintenance Yard; C-2 and M-1  
 East: Corti Brothers; C-2  
 West: Shopping Center; c-2

Setbacks:	Required	Provided
Front:	5 to 7'5"	20'
Side (St):	0'	20'
Side (Int):	0'	100'
Rear:	0'	68'

Square Footage of Building:	1,922 $\pm$ sq. ft.
Property Dimensions:	176' X 152'; irregular
Property Area:	26,752 $\pm$ square feet
Height of Building:	one story
Exterior Building Materials:	stucco
Roof Material:	tile
Parking Required:	24 spaces
Parking Provided:	32 spaces

**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 and Preservation Board
Building Permit	Building Division
Sign Permit	Building Division
Approval of Public Improvements	Public Works/Utilities

\*Abandonment of Existing Drive-Up service

City of Sacto., Planning Commission

\*Requires a public hearing.

BACKGROUND:

*Proposed Taco Bell Location*

The subject site is one of three parcels which is known as the Camellia Shopping Center and is located at 5600 Folsom Boulevard. The site is currently developed with a Shell Oil Gas station. This Gas station provides the community with 24 hour fuel service and daily auto repair service. As proposed, the Shell Oil Gas station will be replaced with the proposed Taco Bell restaurant. This restaurant represents a expansion of the existing Taco Bell's (located at 5625 Folsom Boulevard) building size from 1,120± square feet to 1,922± square feet and requests to maintain a 24 hour drive-up service.

STAFF EVALUATION: Staff has the following comments:

A. Policy Considerations

Section 4 of the General Plan, Commerce and Industry Land Use Element, identifies goals/policies which relate to the project. These are listed below:

- a. Goal A: "Ensure that all areas of the City are adequately served by neighborhood/community shopping Districts." (Sec. 4-16)
  - Policy 1: "Maintain and strengthen viable shopping districts throughout the City." (Sec. 4-17)
  - Policy 2: "Promote the rehabilitation and revitalization of existing commercial centers." and (Sec. 4-17)
- b. Goal B: "Promote mixed use developments of the neighborhood/community commercial districts through new construction and revitalization." (Sec. 4-18).

The project is consistent with applicable goals/policies of Section 4 of the General Plan, Commerce and Industry Land Use Element. The proposed project is located within the Camellia Shopping Center located between 55th Street and 58th Street along Folsom Boulevard. This Shopping Center is a mixed use center consisting of retail and commercial establishments (e.g. Thrifty's, Well Fargo Bank, Radio Shack, a Hair Dresser, an insurance

office, and Lucky's grocery store). The Camellia Shopping Center has been/is a vital asset to the surrounding neighborhood for more than forty years. Ongoing efforts have been made to revitalize/rehabilitate the Camellia Shopping Center (expansion of Lucky's grocery store, new lighting within the parking lot etc.). The proposed project, complimented by the recent revitalization efforts, help to maintain, serve, and strengthen the Center as a neighborhood shopping center.

The General Plan identifies goals/policies within the Circulation Element which relate to the proposed project.


- c. Goal D: "Work towards achieving an overall Level of Service C on the City's local and major street systems." (Sec. 5-11)
- Policy 1: "Assess the impacts of land use decisions on the surrounding street systems." (Sec. 5-21)
  - Policy 3: "Encourage existing and new commercial and office establishments to develop and enhance pedestrian pathways..." and
  - Policy 4: "Encourage mixed use developments to generate greater pedestrian activity." (Section 5-22)

The proposed project is consistent with the intent of the above referenced goal set forth to achieve an overall level of service (LOS) of C for major street systems. Specifically, the proposed project replaces an existing development (a Shell Oil Gas station) which, as discussed within the Environmental Determination portion of this report and the environmental document for the proposed project, does not alter/increase the projected LOS for Folsom Boulevard. The current and proposed LOS for Folsom Boulevard is B/C and D respectively (SGPU EIR, Y-73).

The project design includes a pedestrian walkway through the adjacent Camellia Shopping Center parking lot from Folsom Boulevard to Lucky's grocery store. In efforts to create/enhance pedestrian activity, however, on the proposed Taco Bell site, planning staff recommends the applicant redesign the project and reorient the drive-up lane such that the drive-up lane does not wrap around the proposed building and parallel Folsom Boulevard. This alternative: 1) encourages pedestrian movement along Folsom Boulevard, 2) deemphasizes the auto-related use of the site, and 3) allows for increased landscaping and pedestrian (possible outdoor seating) opportunities.

**B. Recent Planning Commission Decisions Regarding Drive-Up's:**

Since recent entitlement requests to allow drive-up services have raised much controversy, on August 25, 1994, Planning staff brought before the City Planning Commission an informational item which discussed applicable existing Goals/Policies, Zoning Ordinance Requirements, and Planning staff's recommendations on drive-up services. This report outlined seven recent applications as well as Planning staff's justification for their recommendations and the primary issues associated with the applications. In brief, project recommendations were based upon compatibility with adopted plans and policies/goals and adjacent land uses. The primary issues relating to the recent drive-up service applications were: 1) traffic, 2) pedestrian character, 3) air quality, 4) design, 5) loitering, litter and noise, and 6) land use compatibility. The project applications, physical setting, issues, and actions taken are described in Table A below:



## FAST FOOD DRIVE THROUGH COMPARISONS

CITY OF SACRAMENTO  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
REVISED JANUARY 1995

BUSINESS NAME - LOCATION - PROJECT NUMBER	ZONE & ACREAGE	BUILDING SIZE & SEATS	PHYSICAL SETTING	ISSUES	ACTION TAKEN
<b>MC DONALDS</b> SE Corner Pocket Road & Alma Vista Way P91-245, APN: 031-0200-030	Highway Commercial (HC) Zone 1.36 ± Acres	4,500 sq. ft. 80 Seats	<ul style="list-style-type: none"> <li>- Surrounded on two sides by I-5 Fwy</li> <li>- One single family dwelling &amp; commercial uses on two sides</li> <li>- Freestanding building proposed</li> <li>- Vacant site</li> <li>- Larger vacant parcel surrounding use for future HC uses</li> </ul>	<ul style="list-style-type: none"> <li>- Proposed uses compatible with remaining acreage (18 ±)</li> <li>- Future drive-through uses allowed in the overall PUD</li> <li>- Hours of operation, lighting and security</li> <li>- Increased traffic</li> <li>- Neighborhood Opposition</li> </ul>	Approved by CPC January 23, 1992 Approved by CC July 7, 1992
<b>TACO BELL</b> NW corner of Florin Rd. and South Land Park Dr. P92-075, APN: 029-0470-007	Existing Zoning DB-R (EA-2) Proposed Rezone C-2R (EA-2) 1.03 ± Acres	1,944 sq. ft. 74 Seats	<ul style="list-style-type: none"> <li>- Surrounded by commercial and office uses &amp; I-5 fwy and residential</li> <li>- Freestanding Building Proposed</li> <li>- Vacant site</li> <li>- Backs up to residential</li> </ul>	<ul style="list-style-type: none"> <li>- Traffic / Circulation</li> <li>- Noise, hours of operation</li> <li>- Nearby Bus Stop</li> <li>- Neighborhood opposition</li> </ul>	Approved by CPC November 13, 1992 Approved by CC February 23, 1993 Court denied special permit for drive up
<b>JACK-IN-THE-BOX</b> NE corner of 19th & J Streets P93-138, APN: 007-0014-015	General Commercial (C-2) 0.59 ± Acres	2,355 sq. ft. 60 Seats	<ul style="list-style-type: none"> <li>- Freestanding Building Proposed on all sides</li> <li>- Borders on one side by an alley</li> <li>- Vacant site</li> </ul>	<ul style="list-style-type: none"> <li>- Appropriateness of scale and character in location</li> <li>- Building design</li> <li>- Inconsistency with goals and policies for Midtown</li> </ul>	Denied by CPC January 13, 1994 Denied by CC March 8, 1994
<b>MC DONALDS</b> NE Corner of Broadway and 14th Street P93-169, APN: 009-0254-006	General Commercial (C-2) 0.65 ± Acres	2,250 sq. ft. 63 Seats	<ul style="list-style-type: none"> <li>- Surrounded by Commercial Zoning</li> <li>- Bordered by I-80 Fwy on one side</li> <li>- Freestanding Building Proposed</li> <li>- Vacant site</li> </ul>	<ul style="list-style-type: none"> <li>- Site &amp; Building Design</li> <li>- Compatibility of uses</li> <li>- Traffic</li> <li>- Neighborhood opposition</li> </ul>	Denied by CPC June 23, 1994 Pending CC Action Withdrawn by applicant 12/94
<b>TACO BELL</b> 5600 Folsom Blvd. P94-049, APN: 008-0010-016,017	General Commercial (C-2) 0.7 ± Acres	1,922 sq. ft. 72 Seats	<ul style="list-style-type: none"> <li>- Commercial development on all four sides</li> <li>- Freestanding building proposed</li> <li>- Developed shopping center</li> </ul>	<ul style="list-style-type: none"> <li>- Existing (drive through) on adjacent site</li> </ul>	Pending/Application in progress - Tentative CPC Jan. 12, 1995
<b>JACK-IN-THE-BOX</b> SW quadrant of West El Camino Ave. & Gateway Oaks Dr. P90-426, APN: 225-1010-004	SC (PUD) Shopping Center Planned Unit Development 0.83 ± Acres	2,355 sq. ft. 58 Seats	<ul style="list-style-type: none"> <li>- Surrounded by Apartments and Shopping Center Zoning</li> <li>- Freestanding Building Proposed</li> <li>- Vacant Site</li> </ul>	<ul style="list-style-type: none"> <li>- Drive-through use inconsistent with goals and policies</li> <li>- Air Quality</li> <li>- In conflict with alternative modes of transportation</li> <li>- Loitering / Litter</li> </ul>	Approved CPC March 14, 1991
<b>JACK-IN-THE-BOX</b> 4128 Norwood Ave P91-289, APN: 237-0293-016	SC (PUD) Shopping Center Planned Unit Development 0.83 ± Acres	2,408 sq. ft. 54 Seats	<ul style="list-style-type: none"> <li>- Surrounded by commercial development on three sides</li> <li>- Backs up to I-80 Fwy</li> <li>- Freestanding Building - Proposed</li> <li>- Vacant Site</li> </ul>	<ul style="list-style-type: none"> <li>- Minor ingress &amp; egress concern</li> </ul>	Approved CPC April 16, 1992

The last three drive-up applications have been particularly controversial. One was denied by the Council on appeal (Jack-In-The-Box, P93-138), one was withdrawn by the applicant on appeal (McDonalds, P93-169), and one was the subject of a lawsuit which resulted in revocation of the drive-up permit (Taco Bell, P92-075).

Upon discussion, the Planning Commission felt it appropriate to analyze each drive-up service request on an application by application basis rather than establishing/setting overall policy direction regarding these requests.

C. Comparison With Other Drive-Up Proposals:

There were two important factors used by staff in recent staff reports when determining project compatibility with adjacent land uses. These are: 1) the existence of other drive-up's along the same roadway segment, and 2) appropriateness of the scale and character of use with surrounding neighborhood environments.

As noted in Table A, above, the proposed project is very similar to the recent McDonalds application (P93-169) located at Broadway and 14th Street. Similarities exist not only in the project issues but also in the site's physical settings. Like Broadway, Folsom Boulevard: 1) is an auto related roadway which deemphasizes pedestrian movement, 2) has other drive-up service facilities, 3) prohibits on-street parking, and 4) has a clear distinction between commercial and residential properties - unlike the recent Jack-In-The-Box proposal located on J Street (P93-138).

Due to the fact that Folsom Boulevard is primarily an auto-oriented roadway with other drive-up services located nearby, planning staff finds the proposed drive-up service appropriate in scale and character with the existing shopping center and compatible with the surrounding neighborhood environment.

D. Zoning Ordinance Requirements/Site Plan Design

1. **Required Findings for A Drive-Up Service Facility**

*Findings*

The Zoning Ordinance (Section 2-E-44) lists three findings which must be made by the Planning Commission in order to grant a Special Permit for a drive-up service facility. These are:

- a. 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,

- b. 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, and
- c. The design and location of the facility will not create a nuisance for adjacent properties.

The proposed project and drive-up service is not anticipated to increase the traffic/circulation congestion within the project area (including public/private streets). This conclusion is based upon the trips per day generated by the existing use (Shell Oil Gas station with 9 pump stations) compared to the estimated trips per day generated by the proposed Taco Bell restaurant (based upon square footage). According to the City Traffic Division, the existing Shell Oil Gas station generates 46 new a.m. and 63 new p.m. trips per day as compared to the proposed Taco Bell which is estimated to generate 51 new a.m. and 32 new p.m. trips per day. In short the proposed project is estimated to generate an additional 5 a.m. and 31 fewer p.m. trips per day.

Second, the project includes a lot line adjustment in which the parking lot for the adjacent parcel will be restriped. During this restriping the applicant has proposed a pedestrian walkway and no new vehicle driveways ingress/egress are proposed. The project, in fact, proposes the elimination of the driveway closest to the eastern property line (closest to Corti Brother's property and driveway).

Third, the proposed building design is not anticipated to create a nuisance to adjacent properties in that the ingress/egress for the proposed project is from an existing driveway within the Camellia Shopping Center and all vehicle stacking for the drive-up lane is on-site. Therefore, staff finds the proposed Taco Bell to be consistent with the required findings.

## 2. Setbacks/Lot Coverage (see Exhibit A and B)

Below are the required and provided setbacks:

<u>Setbacks:</u>	<u>Required</u>	<u>Provided</u>
Front:	5 to 7'5"	20'
Side (St):	0'	20'
Side (Int):	0'	100'
Rear:	0'	68'

The project meets setbacks as required by the City's Zoning Ordinance. Staff finds the proposed project's setbacks to be appropriate and compatible with the adjacent commercial land uses.

### 3. Trash Enclosure (see Exhibit A)

The project design includes an "trash enclosure" situated along the southeast property line (see Exhibit A) as well as trash receptors located within the interior and around the exterior of the proposed building. The proposed trash enclosure and receptors meet the City standards. According to the Zoning Ordinance, Section 34, new commercial development is required to implement a recycling plan. The recycling plan must be reviewed and approved prior to issuance of building permit. Upon review and approval of the required recycling plan, staff believes the project to be consistent with the intent of the appropriate with Section 34 of the Zoning Ordinance.

### 4. Parking and Traffic/Circulation (see Exhibit A)

#### *Parking*

The Zoning Ordinance requires one parking space for every three seats in a restaurant. The project complies with the City parking standards in that the subject proposal includes 72 indoor seats (24 required parking spaces) while the site plan provides 32 parking spaces and one handicap parking space, as required (one space per every 1-25 parking spaces - per Title 24). Also, the project meets the City Zoning Ordinance standards for minimum stacking (180 feet), distance a driveway is to be located off a driveway entering a public Street (25 feet), and vehicle maneuvering requirements.

As designed, parking is located to the south and west of the building. Access to the parking lot area is from a driveway on Folsom Boulevard as well as from within the Camellia Shopping Center. The applicant has requested a Lot Line Adjustment which moves the existing property line further west to include all designated proposed Taco Bell parking to within the subject parcel. The proposed project as well as the requested Lot Line Adjustment does not impact nor eliminate parking within the Camellia Shopping Center.

The Camellia Shopping Center is developed with and required to have 408 parking spaces. The parking lot is proposed to be restripped as part of the Shopping Center's Lucky's expansion (Z94-027). A pedestrian access through the parking lot is proposed. Along with the proposed pedestrian access, the Shopping Center will increase the parking spaces to 466 (compact and standard parking spaces) and 10 handicap parking spaces. This results in approximately 58 additional parking spaces within the Camellia Shopping Center.



### *Site Circulation*

The proposed site design eliminates one driveway along Folsom Boulevard. The driveway proposed to be eliminated, is the driveway along the east property line closest to the Corti Brothers' property line. The City's Public Works Department, has reviewed the proposed project and according to the Transportation Division, the proposed project does not result in a traffic/circulation impact in the project vicinity nor does it increase the volume to capacity ratio estimated for Folsom Boulevard.

The site plan was also reviewed for potential circulation impacts within the Camellia Shopping Center as well as within the proposed Taco Bell site. According to the Transportation Division, with the proposed configuration, delivery trucks would partially block a parking aisle and parking lot circulation impacts could be minimized by the elimination of specific driveways serving the project site.

The Transportation Division recommends that all driveways on the proposed Taco Bell parcel be eliminated (except as noted below for the Staff proposed drive-up design shown in Figure F<sub>1</sub>). This includes the two driveways currently serving the existing gas station. There are several reasons for this recommended condition.

The primary reason for eliminating the driveways is the shopping center currently has a high number of driveways on Folsom Boulevard. The shopping center is served by four driveways, one of which also serves the Shell Oil Gas station. One additional driveway serves the Shell Oil Gas station for a total of five driveways on Folsom Boulevard. These five driveways tend to cause disruptions in the traffic flow along Folsom Boulevard, thereby decreasing the quality of its operations. Traffic operations along Folsom Boulevard can be improved by reducing the number of driveways serving this site. Eliminating both existing driveways on the proposed Taco Bell parcel would leave three driveways for the shopping center and Taco Bell, which is adequate and is anticipated to improve vehicle operations on Folsom Boulevard. (The Taco Bell will be provided access via easements across the shopping center parking lot.)

Eliminating the driveways also modifies the on-site circulation of the shopping center by directing non-Taco Bell patrons away from the drive-up. Therefore, drive-up traffic will be less likely to block parking lot circulation. In addition, eliminating the driveways may discourage drivers on Folsom Boulevard from driving through the parking lot in route to 59th Street, thus avoiding the signal at 59th Street and Folsom Boulevard.

The drive-up lane proposed by Planning staff, would also be acceptable, if designed to City standards. However, providing 180 feet of vehicle stacking (or 200 feet as recommended) would require modifying the parking area around the

restaurant. This modification does provide better identification for the Taco Bell parking. For this drive-up design, the Transportation Division staff would allow one driveway on the Taco Bell parcel for the drive-up exit. Finally, this configuration of the drive-up would have the advantage of providing a delivery truck parking area that only effects Taco Bell parking with no adverse effects on parking lot circulation.

#### **5. Drive-up Lane and Site Design (see Exhibit A and B)**

As proposed, the drive-up lane wraps along the south, east, and north portion of the building in full view of Folsom Boulevard. Planning staff recommends a modification of the site plan to deemphasize the drive-up and reinforce pedestrian and street orientation by relocating the drive-up such that it does not wrap along the northern portion of the building and parallel Folsom Boulevard. This reorientation would also require a redesign of the parking lot area in order to meet maneuvering requirements and to maintain the required parking. Furthermore, staff felt that a more pedestrian friendly atmosphere (landscaping, addition of outdoor seats or tot lot etc.) could be achieved through the requested redesign; which is consistent with changes made to other similar proposals (e.g. McDonalds) in commercial corridors where applicants have shown a willingness to improve the site design to meet the City's objectives.

The Transportation Division reviewed the drive-up lane design requested by staff and determined that the project could be redesigned and still meet stacking and maneuvering requirements as well as the required parking (see Attachment F<sub>1</sub>).

Therefore, staff recommends that the site plan be redesigned to deemphasize the auto-related use of the drive-up along Folsom Boulevard. However, the drive-up "pick up window" should be clearly visible from Folsom Boulevard (see Attachment F<sub>1</sub>).

#### **6. Hours of Operation**

The project is requesting a 24 hour drive-up lane facility. Planning staff surveyed the hours of operation for fast food restaurants along Folsom Boulevard as well as the major business within the Camellia Shopping Center. The results are as follows:

<u>Nearby Drive-ups</u>	<u>Hours of Operation Drive-up/Dine In</u>
McDonalds 56th St./Folsom Blvd.	6a.m.-11p.m. (daily)/6 a.m.-11p.m. (daily)

Burger King 53rd St./Folsom Blvd.	7a.m.-11p.m. (daily excluding Fri.)/7a.m.-10p.m.(daily) 7a.m.-12p.m. (Friday's)
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Camellia Shopping Cntr.    Hours of Operations  
Major Tenants

Luckys 56th St./Folsom Blvd.	24 hours (daily)
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Wells Fargo 56th St./Folsom Blvd.	9a.m.-6p.m. (Monday - Friday)
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Thrifty Drugs Store	8a.m.-10p.m. (Monday - Saturday) 9a.m.-8p.m. (Sunday)
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Radio Shack	9a.m.-9p.m. (Monday - Friday) 10a.m.-7p.m. (Saturday-Sunday)
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Shell Oil Gas Station	24 hours (daily)
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Staff recommends that the drive-up service hours of operation should be limited to the hours of 6 a.m. to 11 p.m. Sunday through Thursday and 6 a.m. to 12 p.m. Friday and Saturday which are similar to nearby drive-up facilities (McDonald's and Burger King, as noted above) and consistent with other recent proposals (e.g. McDonalds).

## 7.    Landscaping

As schematically designed, the site plan includes landscape areas within the parking lot, surrounding the perimeters of the building, and along the Folsom Boulevard property frontage. The project's parking lot area is required to be landscaped to meet the 50% shading requirement of the Zoning Ordinance. The applicant has not submitted a landscape plan. A detailed landscape and irrigation plan should be submitted for review and approval of Planning staff prior to the issuance of Building Permits.

The Landscape Plan must comply with the requirement of 50% shading of the parking and driveway areas, and compliance with the water conservation ordinance. Staff finds the proposed project's landscaping consistent with the City's Zoning Ordinance requirements.

## 8. Signage

The applicant proposes a 35 foot high, 97 square foot pole sign located on Folsom Boulevard. The project site is located within a mixed use commercial shopping center. The requested signage is similar to signage intended for regional draw; and usually these establishments are located off freeways or major thoroughfares. The project site is located in a predominately residential neighborhood with neighborhood serving commercial uses. The site is also in close proximity to SMUD headquarter offices and a Caltrans office. Staff believes the signage proposed is not necessary to attract patrons and is not appropriate with the scale and character of the monument signage within the shopping center and character of the neighborhood.

Staff recommends a monument sign. The monument sign should conform to the requirements of the Sign Ordinance, and the location of the sign should not impede the visibility requirements of the City's Transportation Division.

## CONCLUSION

Unlike the existing Taco Bell site, the proposed project will meet the Zoning Ordinance requirements for vehicle maneuvering, stacking and drive-up lane distance from a public Street. Staff finds the project to be compatible with the adjacent commercial land uses and superior in location and vehicle operations to the existing Taco Bell restaurant and recommends that the proposed drive-up service facility be redesigned to be more pedestrian friendly and the existing Taco Bell drive-up service be abandoned upon its successful relocation to the proposed site. Staff, is thereby in support of the proposed drive-up request, as conditioned, to address staff and neighborhood concerns.

## 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. In compliance with Section 15070 (B)1 of the California Environmental Quality Act Guidelines, the applicant has incorporated mandatory mitigation measures into the project plans to avoid identified impact or to mitigate such impacts to a point where clearly no significant impacts will occur. These mitigation measures address noise. The mitigation measures are listed in the attached Mitigation Monitoring Plan (Exhibit D).

Listed below are the primary issues discussed within the Negative Declaration (P94-049):

1. Air Quality - According to the Sacramento Metropolitan Air Quality Management District (SMAQMD) data presented on drive-up service windows indicate less air quality impacts if the customer ordering times are kept to ten (10) minutes or less. And according to information received from John Few, with the Taco Bell Corporation, "assuming four (4) to five (5) cars are in the stack lane, the average time to serve a customer is three (3) to three and three quarters minutes (3.75). Since the project site's zoning allows a restaurant use and since the customer ordering time is well within the potentially significant range, set by SMAQMD) the project was determined to result in a less-than-significant environmental impact.
2. Noise - Noise impacts resulting from Folsom Boulevard and from the proposed restaurant use were evaluated. According to CEQA, a significant noise impact occurs when a project increases the existing (anticipated) noise levels or results in the exposure of people to severe noise levels. General construction (building) mitigation was applied to the project in order to ensure less-than-significant impacts to patrons. Furthermore, patrons are expected to adhere to City Code (Section 66.03.301 of the City's Noise Ordinance) which regulated excessive or unnecessary noise. The proposed project is anticipated to result in a less-than-significant environmental impact.
3. Risk of Upset/Human Health (Underground Storage Tanks) - There are four known underground storage tanks located on the project site. According to the CEQA guidelines, a significant risk of upset/human health impact occurs if there is a risk of explosion or the release of hazardous substances, interference with an emergency response/evacuation plan, or the creation or exposure of people to potential health hazards.

Specifically, there are three 10,000 gallon double-walled fiberglass underground fuel tanks and one 550 gallon double-walled fiberglass underground waste oil tank located on the project site. The applicant has submitted a preliminary site assessment (PSA) prepared by Delta Environmental Consultants, Inc. on January 1990. According to the submitted PSA, the shell oil site has no ground water contamination (page 16). The PSA concludes that the site, in general, has no indications of past storage, use, or disposal of hazardous materials or hazardous wastes at the site (page 20). The proposed project is not expected to result in a significant risk of upset/human health impact.

4. Transportation/Circulation - The major arterials serving the proposed project site is Folsom Boulevard. Folsom Boulevard had a Level of Service (LOS) B/C in 1986, and is projected to have a LOS D at SGPU build out (SGPU EIR, Y-73). The criteria for determining whether a project will create a significant impact on the transportation system is based on either a change in LOS, or a change in the volume/capacity ratio for signalized intersections. The proposed project is not anticipated to result in a change in the projected LOS or volume/capacity ratio.

The Department of Public Works, Transportation Division has reviewed the proposed project. According to the Transportation Division, the change in use, at the project site, from a service station to a fast-food restaurant will result in 5 more A.M. trips and 31 fewer P.M. trips per day being generated at this location (Written Comment, Steve Pyburn, PE - 5/16/94). The proposed project is consistent with the land use analyzed in the SGPU EIR. Therefore, impacts over and above those previously evaluated and anticipated within the SGPU are not expected to result.

B. Public/Neighborhood/Business Association Comments

There has been a great deal of neighborhood opposition to the existing and proposed Taco Bell. The letters received in opposition are attached (Exhibit E) and include comments received from the East Sacramento Improvement Association and the McKinley Elvas Neighborhood Alliance. To date, Planning staff has received no letters in support of the project and one letter commenting on the project. However, Planning staff has been informed that there are petitions being circulated both in support and opposition of Taco Bell's relocation.

The Planning Division held two meetings on September 30, 1994 and October 21, 1994, with concerned neighborhood associations, concerned neighbors, the applicant, and Taco Bell representatives in an effort to resolve the many issues raised related to the existing and proposed Taco Bell's site compatibility with adjacent land uses.

Specifically, issues regarding the existing Taco Bell's drive-up service, hours of operation of the drive-up, noise, security, litter, traffic, and parking were discussed. In addition to these issues the community commented on some community-based issues such as the loss of the Shell Oil Gas station, reuse of the existing taco Bell site, and operations of the Camellia Shopping Center. The Neighborhood comments and the staff responses are summarized below:

*Existing Taco Bell*

In 1983 the Planning Commission approved a Special Permit for a drive up service at 5625 Folsom Boulevard (P83-195{the existing Taco Bell site}) across the street from the subject request. Staff recommended denial of the existing Taco Bell based upon concerns raised by adjacent neighbors/property owners and the City's Transportation Division's determination of the site's inadequate vehicular stacking and maneuvering areas. Specifically, staff's analysis raised concerns regarding the incompatibility of land uses, increased traffic congestion resulting from site access, inadequate vehicle stacking and maneuvering areas, and increased noise from the 24 hour drive-up operation on the adjacent residences.

**1. Drive-up/Noise/Traffic/Parking**

Taco Bell's drive-up operates on a 24 hours basis. The placement of the drive-up is such that the adjacent residents are subjected to excessive noise not only from car radios but from the drive-up's speaker box. The neighbors requested that Taco Bell's special permit be revoked.

The stacking and vehicle operations on and off 57th Street are inadequate. Patrons of Taco Bell using the drive-up stack onto 57th Street blocking through traffic and occasionally forcing vehicles to back onto Folsom Boulevard. Residents requested that Taco Bell's drive-up Special Permit be revoked immediately. Taco Bell patrons block the driveways and obstruct sidewalks of adjacent residences.

The applicant has proposed and Planning staff recommends abandonment of the existing Taco Bell drive-up service facility.

**2. Litter/Security**

Complaints were noted that Taco Bell's litter has cluttered the neighborhood for many blocks and past attempts to resolve litter issues with Taco Bell management has resulted in no resolution. Furthermore, loitering within the parking lot was noted as a potential safety issue.

Taco Bell Corp. has implemented litter patrols and on-site security in efforts to mitigate potential impacts (see Attachment C - letter dated 10/13/94).

**3. Options for Abandonment/Review of Existing Drive-up Service**

Staff has explored with the applicant three options for abandonment or modification of the existing drive-up service located at 5625 Folsom Boulevard. The options are as follows:

- A. **Sub-lease Agreement:** The applicant has proposed abandonment of the proposed drive-up service through a sub-lease agreement for the remainder of Taco Bell's lease (two and a half years). The applicant is willing to sub-lease the existing site without the use of the drive-up service. The City's Zoning Ordinance regulations deems a Special Permit automatically revoked if voluntarily interrupted for a period in excess of one year. After review of this option by the City Attorney, it was felt that this option did not provide adequate enforcement and does not protect the property owners rights.
- B. **Abandonment Procedure:** The City Attorney proposed that both drive-up service facilities not be used until the existing drive-up service ceases operations. The City would initiate abandonment procedures after one year taking the existing drive-up service through a public hearing to officially abandon the drive-up service. Since the property owner is not in agreement of the proposed abandonment and may oppose the abandonment, it is also recommended that the proposed drive-up cease operation in the event abandonment is unsuccessful.
- C. **Modification of Existing Special Permit:** Another option is to modify the existing Special Permit by redesigning the drive-up service layout. Staff has discussed this with the City's Traffic Division who feels that this may be possible, however, some on-site parking may be lost. Other modifications could include hours of operation, litter, security, and noise issues.

Staff has reviewed the above options and believes that option A is not enforceable and does not provide any guarantees to the community that the stacking, noise, litter, and security issues resulting from the drive-up at the existing Taco Bell will be resolved. However, option B puts the burden on Taco Bell to eliminate the drive-up service facility while still occupying the premises and with a 24 hour operation ceasing some community issues may be resolved.

With regard to option C a Special Permit Modification may be initiated by the Planning Director. However, this approach would require substantial documentation and the property owner would likely oppose.

While staff believes that the proposed site is a more appropriate site for a drive-up service facility, staff is unable to condition the proposed drive-up special permit to resolve the issues at the existing drive-up service facility.



*Proposed Taco Bell*

Summarized below are neighborhood comments regarding the proposed Taco Bell:

1. Drive-up Hours of Operation and Noise

Neighbors has requested that the proposed taco Bell hours of operation be limited.

Planning staff recommends restricted hours of operation from 11 p.m. to 6 a.m.

2. Loss of The Shell Oil Gas Station

The Shell Oil gas station has demonstrated to be a good neighbor within the immediate community. The gas station offers full service which is convenient and necessary to some individuals within the neighborhood.

The City Planning and Development Department has no jurisdiction to regulate business decisions.

3. Vehicle Operations Within The Camellia Shopping Center

The Shopping Center should be more handicap accessible and vehicle ingress and egress operations are difficult.

The project, and adjacent parking lot for the Shopping Center meet the City requirements for handicap parking (see Parking and Traffic/Circulation page 8 of this report).

*Reuse of the Existing Taco Bell Restaurant*

Concerns focused on the future tenant of the Taco Bell restaurant building as well as the continued 24 hour use of the drive-up. Taco Bell currently has a lease for the existing site for another two and a half years (approximately). Taco Bell has proposed to a sub-lease/agreement the existing site to another use which will not use the drive-up service and thereby, abandon the Special Permit for the drive-up service. The applicant has submitted a list of restaurants which will not be included for future speculation for a possible tenant for the existing site (See Attachment D).

According to the City's Zoning Ordinance the Special Permit becomes null and void should the use cease for a period of one year (Section 15, D-7); therefore, staff recommends that they agree to abandon the drive-up operations for a one year period.

C. Summary of State/Agency Comments

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

1. Public Works Department

*Transportation Division*

The City's Transportation Division reviewed this proposal for potential traffic related impacts. According to the Transportation Division the project will not result in a transportation/circulation impact (Written Comment, Steve Pyburn - Associate Traffic Engineer 5/16/94).

*Engineering Division*

The City's Engineering Division reviewed this proposal for potential project related impacts. According to the Engineering Division (Written Comments, Glenn Marshall - Associate Engineer 5/17/94) the project must provide:

- A. reciprocal parking, access and maneuvering easements for parking lots, and
- B. reciprocal drainage easements.

2. Utilities Department

- A. The applicant shall comply with the following prior to a lot line adjustment being recorded:

- 1) File a Certificate of Compliance, submit all required documents according to the submittal requirements checklist, and pay necessary fees, and
- 2) File a waiver of Parcel Map.

- B. According to the Utilities Department the project must also provide reciprocal drainage, ingress/egress, parking, and maneuvering easements.

- C. The Utilities Department representative (letter from Dave Brent dated May 5, 1994-Attachment D), further noted that the applicant must comply with the City' grading, erosion and sediment control Ordinance.

3. Planning Department, Building Division.

Existing retail strip must comply with Chapter 5 of the Uniform Building Code's allowable area and projection requirements (Written Comment, Bill Nagel- Senior Engineer, 4/29/94).

4. Police Department

The City Police Department representative noted that there was "No foreseeable law enforcement problems if the food service window is located to the north of the building" (Written Comment, Lynne Ohlson 5/6/94).

5. Fire Department

The City Fire Department representative foresaw no problems with the submitted project plans (Written Comment, Elaine Clark 5/2/94).

**PROJECT APPROVAL PROCESS:** The Planning Commission has the authority to approve, conditionally approve, or deny each of the entitlements indicated below. 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 the Planning Commission take the following actions:

- A. Ratify the Negative Declaration,
- B. Adopt the attached resolution (Attachment E) approving the Mitigation Monitoring Plan,
- C. Adopt the attached resolution (Attachment F) approving a Special Permit, subject to conditions, to allow a drive up service for a fast food restaurant on 0.6428± developed acres in the General Commercial (C-2) zone, and
- D. Adopt the attached resolution (Attachment G) approving a Lot Line Adjustment, subject to conditions, to relocate the common property lines within the Camellia Shopping Center located at 5600 Folsom Boulevard in the General Commercial (C-2) zone.

Report Prepared By,

Report Reviewed By,

  
\_\_\_\_\_  
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Associate Planner

  
\_\_\_\_\_  
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Senior Planner

Attachments

- |              |  |
|--------------|--|
| Attachment A | Vicinity Map   |
| Attachment B | Land Use and Zoning Map                                |
| Attachment C | Letter from Taco Bell Dated 10-13-94                   |
| Attachment D | Letter Regarding the Re-use of Existing Taco Bell Site |
| Attachment E | Resolution-Mitigation Monitoring Plan                  |
| Attachment F | Resolution-Special Permit                              |
| Attachment G | Resolution-Lot Line Adjustment                         |
| Exhibit A    | Site Plan  |
| Exhibit B    | Exterior Elevations                                    |
| Exhibit C    | Floor Plan Schedules                                   |
| Exhibit D    | Mitigation Monitoring Plan                             |
| Exhibit E    | Other Letters  |
| Exhibit F    | Letters In Opposition                                  |