

**CITY PLANNING COMMISSION**

1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814

<b>APPLICANT:</b> <u>NCHD Architects, 2150 Capitol Avenue, Sacramento, CA 95816</u>
<b>OWNER:</b> <u>1408 28th Street Partners (Randy E. Paragary)</u>
<b>PLANS BY:</b> <u>Applicant</u>
<b>FILING DATE:</b> <u>4-14-93</u> <b>ENVIR. DET.:</b> <u>Negative Declaration</u> <b>REPORT BY:</b> <u>Mike Dale</u>
<b>ASSESSOR'S PCL. NO.:</b> <u>007-0271-011,012,013</u>

- APPLICATION:**
1. Negative Declaration
  2. Special Permit to allow off-site parking for two existing restaurants;
  3. Variance to allow valet parking;
  4. Variance to reduce the 50% shading requirement to 32% for an off-site parking lot; and
  5. Lot Line Adjustment to merge three parcels totaling 0.124± partially developed acres in the General Commercial (C-2) zone.

**LOCATION:** 1408, 1410, 1414 28th Street  
(City Council District 3)

**SUMMARY:** The applicant is requesting the necessary entitlements to provide and operate an off-site valet parking lot for two existing restaurants ("Paragary's Bar & Oven" at 1401 28th Street, and "Capitol Grill" at 2730 N Street). The application includes a request to merge three parcels and permission to waive a portion of the shading requirement. Staff recommends approval subject to conditions.

**PROJECT INFORMATION:**

General Plan Designation:	Community / Neighborhood Commercial & Offices
Central City Community Plan Designation:	General Commercial
Existing Zoning of Site:	General Commercial (C-2)
Existing Land Use of Site:	Vacant

**Surrounding Land Use and Zoning:**

North:	Salon: C-2
South:	Office: C-2
East:	Office: C-2
West:	Multi-Family: R-3A

Proposed Parking:	19 Striped Spaces, 30± Valet Spaces
Site Dimensions:	89.83' x 60.00'
Property Area:	0.124± Acres

- D. Approve the Variance to reduce the 50% shading requirement to 32% for an off-site parking lot subject to conditions and based on findings of fact which follow; and
- E. Approve the Lot Line Adjustment to merge three parcels totaling 0.124± partially developed acres in the General Commercial (C-2) zone by adopting the attached resolution (Attachment 1).

**CONDITIONS:**

1. Additional lighting shall be provided. The lighting and parking lot improvements shall be subject to review and approval by the City's Design Review Staff.
2. On-site grading, drainage and pouring shall be approved by Public Works prior to issuance of a building permit.
3. The existing driveway shall be removed and curb & gutter replaced.
4. This project is located within the service area of the combined Sewer System. It appears that this project does not exceed the levels of increased sanitary or storm flows that we consider to have significant impact upon the Combined Sewer System and therefore no Impact/Mitigation Agreement is required.
5. The applicant shall comply with the City's Cross Connection Control Policy.
6. The applicant shall complete the following at the Public Works Department, Development Services, prior to a lot line merger being recorded:
  - a. File a certificate of compliance, submit all required documents according to the submittal requirements checklist, and pay necessary fees.
  - b. File a waiver of Parcel Map.
  - c. Properly abandon any excess water services to the satisfaction of the Water Division (One service per lot is permitted.)
  - d. Property to be developed in accordance with this special permit may be subject to flooding. Interested parties should ascertain whether and to what extent such flooding may occur. The applicable base flood elevations for the property should be reviewed. Base flood elevations are contained in the U.S. Army Corps of Engineers Flood Insurance Study Working Map for the Sacramento Community, dated January 1989, available for review at the City of Sacramento's Public Works Department, Development Services Division, Room 100, 927 10th Street.
7. A 6-foot setback is required adjacent to the alley for valet and non-valet parking. This setback area ~~shall~~ ~~should~~ be clearly marked. *In cases where the valet parking is oriented 60 degrees off of the alley, no setback from the alley will be deemed necessary. Staff Revision 7/6/93*
8. The parking space at the north-west corner of the lot (shown on the "striped parking plan" must be marked "No Parking" to provide adequate maneuvering room for other spaces.
9. All parking (valet and non-valet) ~~shall~~ ~~should~~ conform to the Chapter 6 (Off-Street Parking) provisions of the Zoning Ordinance. *Staff Revision 7/6/93*

**FINDINGS OF FACT:**

**Special Permit - Off-Site Parking:**

1. The special permit, as conditioned, is based on sound principles of land use planning in that the proposed land use is permitted in the General Commercial (C-2) zone and is compatible with the surrounding residential and commercial land uses.

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**PROJECT INFORMATION:**

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**Surrounding Land Use and Zoning:**

North:	Salon: C-2
South:	Office: C-2
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West:	Multi-Family: R-3A

Proposed Parking:	19 Striped Spaces, 30± Valet Spaces
Site Dimensions:	89.83' x 60.00'
Property Area:	0.124± Acres

**BACKGROUND INFORMATION:** The subject site is located on the west side of 28th Street - just south of the 28th / N Streets intersection. A paved alley separates the site from an office building located to the south. A mixed-use building separates the site from the "Capitol Grill" restaurant located to the north. A parking lot for a multi-family dwelling is located on the western boundary of the site, and "Paragary's Bar & Oven" restaurant is located opposite 28th Street to the east.

A house previously located at 1404 28th Street (the northern-most of the three subject parcels) was recently demolished subject to an approved demolition permit.

**PROJECT EVALUATION:** Staff has the following comments:

A. Land Use

The proposed parking lot site is zoned General Commercial (C-2) which is compatible with the Community / Neighborhood Commercial & Offices designation of the General Plan. Off-site parking lots are permitted uses in the C-2 zone subject to Planning Commission approval of special permit.

The proposed land use is compatible with the surrounding land uses which are mainly commercial in nature.

B. Site Plan

The subject site constitutes three parcels totaling  $0.124 \pm$  gross acres (or about 5,390 square feet). The applicant intends to merge these parcels. The site plan shows the placement of planter areas along 28th Street pursuant to zoning ordinance specifications. An additional planter area is shown on the south-west corner of the site for purposes of providing additional shading and to better frame the site. The applicant has indicated that additional lighting will be installed on the site in order to increase nighttime security. The proposed parking lot will be striped according to the City's standard parking and maneuvering area specifications.

The applicant is requesting a special permit to allow off-site parking. Staff supports this request for the following reasons: The two existing restaurants presently provide no on-site parking, and a demonstrated shortage of parking exists in the project vicinity. The subject site is already vacant and is already being used for invalidated parking. Approval of the requested special permit to allow off-site parking will provide needed parking for the customers of the "Capitol Grill" and "Paragary's Bar & Oven" restaurants. Approval of the special permit will also allow the construction of needed site improvements such as landscaping, paving, and lighting.

The proposal includes a requested to reduce the shading requirement. Section 6-D of the City's Zoning Ordinance requires that trees be planted and maintained on the proposed surface parking lot so that 50% of the lot will be shaded after 15 years. The applicant originally requested a variance to waive all of the required shading. However, upon meeting with the applicant, the site plan was revised to provide 32% shading. The applicant is opposed to providing shading beyond 32% since the space needed to provide the additional shading would conflict with the nature of a valet parking operation. Due to the demand for off-street parking, staff supports the minor reduction in shading.

With regard to the requested lot line adjustment, the three existing parcels are relatively small in size compared to most other commercial and residential lots in the project vicinity. The merging of these parcels will serve to coordinate drainage and irrigation. Also, the creation of one large parcel will provide a site better suited for development in the future. Staff therefore supports the request for the lot line adjustment.

C. Valet Parking

The applicant is requesting a variance to allow valet parking so as to accommodate the largest number of vehicles as possible during restaurant business hours. All parking and maneuvering of vehicles on the private parking lot will be the responsibility of the valet system operators. Due to the shortage of available parking in the project vicinity, and due to the restaurants' need for more customer parking, staff supports the request for valet operated parking.

The site plan shows that the proposed parking lot will be striped according to the City's standard parking and maneuvering specifications. These stripes are proposed to be utilized during the non-business hours of the "Capitol Grill" or "Paragary's Bar & Oven" restaurants. During peak business hours, however, the proposed valet parking service will be employed, and the stripes will not be utilized. Customers are anticipated to drop-off their cars on the parking site, and then depart from their vehicles as they walk to either restaurant. The vehicles will then be parked, managed, and later retrieved by the valet service. The property owners will be responsible for managing the parking lot's use at all times. The City's Traffic Section has reviewed the proposal and has provided comments below.

D. Agency Comments

Copies of the proposal have been routed to the Public Works Department (Engineering Development and Transportation Sections), Utilities Department, Building Division, the City Arborist, the and local neighborhood associations. Comments, as received, are provided below:

**Engineering Development:**

1. On-site grading, drainage and pouring shall be approved by Public Works prior to issuance of a building permit.
2. The existing driveway shall be removed and curb & gutter replaced.
3. This project is located within the service area of the combined Sewer System. It appears that this project does not exceed the levels of increased sanitary or storm flows that we consider to have significant impact upon the Combined Sewer System and therefore no Impact/Mitigation Agreement is required.
4. The applicant shall comply with the City's Cross Connection Control Policy.
5. The applicant shall complete the following at the Public Works Department, Development Services, prior to a lot line merger being recorded:
  - a. File a certificate of compliance, submit all required documents according to the submittal requirements checklist, and pay necessary fees.
  - b. File a waiver of Parcel Map.
  - c. Properly abandon any excess water services to the satisfaction of the Water Division (One service per lot is permitted.)
  - d. Notice: Property to be developed in accordance with this special permit may be subject to flooding. Interested parties should ascertain whether and to what

extent such flooding may occur. The applicable base flood elevations for the property should be reviewed. Base flood elevations are contained in the U.S. Army Corps of Engineers Flood Insurance Study Working Map for the Sacramento Community, dated January 1989, available for review at the City of Sacramento's Public Works Department, Development Services Division, Room 100, 927 10th Street.

**Transportation:**

1. A 6-foot setback is required adjacent to the alley for valet and non-valet parking. The setback area should be clearly marked.
2. The parking space at the north-west corner of the lot (shown on the "striped parking plan" must be marked "No Parking" to provide adequate maneuvering room for other spaces.
3. The valet parking layout is not feasible as it does not provide any vehicle maneuvering room. This layout should not be shown on the plans requiring approval.
4. All parking (valet and non-valet) should conform to the Chapter 6 (Off-Street Parking) provisions of the Zoning Ordinance.

**Winn Park / Capitol Avenue Neighborhood Association:**

The neighborhood association has no objection to the proposed land use and lot line adjustment. However, the association indicated that trees and landscaping should be provided. The applicant has subsequently revised the site plan to provide additional landscaping and shading. The association also indicated that attractively designed lighting should be provided on the site. The applicant has indicated to staff that he will work with the association in providing additional lighting. Staff recommends that the lighting be subject to the review and approval of the Design Review staff. For the record, the association stated that demolition of the former house should have been subject to a public hearing process. (See Attachment 3.)

**E. Environmental Determination**

The Environmental Coordinator has determined that the project, as proposed, will not have a significant effect on the environment. A Negative Declaration has therefore been filed pursuant to Title 14 of the California Administrative Code and Chapter 63 of the Sacramento City Code. A copy of the Initial Study may be reviewed and/or obtained at the City Environmental Services Division, 1231 I Street, 3rd Floor, Sacramento, CA 95814.

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

- A. Ratify the Negative Declaration;
- B. Approve the Special Permit to allow off-site parking for two existing restaurants subject to conditions and based on findings of fact which follow:
- C. Approve the Variance to allow valet parking subject to conditions and based on findings of fact which follow;

- D. Approve the Variance to reduce the 50% shading requirement to 32% for an off-site parking lot subject to conditions and based on findings of fact which follow; and
- E. Approve the Lot Line Adjustment to merge three parcels totaling 0.124± partially developed acres in the General Commercial (C-2) zone by adopting the attached resolution (Attachment 1).

**CONDITIONS:**

1. Additional lighting shall be provided. The lighting and parking lot improvements shall be subject to review and approval by the City's Design Review Staff.
2. On-site grading, drainage and pouring shall be approved by Public Works prior to issuance of a building permit.
3. The existing driveway shall be removed and curb & gutter replaced.
4. This project is located within the service area of the combined Sewer System. It appears that this project does not exceed the levels of increased sanitary or storm flows that we consider to have significant impact upon the Combined Sewer System and therefore no Impact/Mitigation Agreement is required.
5. The applicant shall comply with the City's Cross Connection Control Policy.
6. The applicant shall complete the following at the Public Works Department, Development Services, prior to a lot line merger being recorded:
  - a. File a certificate of compliance, submit all required documents according to the submittal requirements checklist, and pay necessary fees.
  - b. File a waiver of Parcel Map.
  - c. Properly abandon any excess water services to the satisfaction of the Water Division (One service per lot is permitted.)
  - d. Property to be developed in accordance with this special permit may be subject to flooding. Interested parties should ascertain whether and to what extent such flooding may occur. The applicable base flood elevations for the property should be reviewed. Base flood elevations are contained in the U.S. Army Corps of Engineers Flood Insurance Study Working Map for the Sacramento Community, dated January 1989, available for review at the City of Sacramento's Public Works Department, Development Services Division, Room 100, 927 10th Street.
7. A 6-foot setback is required adjacent to the alley for valet and non-valet parking. The setback area should be clearly marked.
8. The parking space at the north-west corner of the lot (shown on the "striped parking plan" must be marked "No Parking" to provide adequate maneuvering room for other spaces.
9. All parking (valet and non-valet) should conform to the Chapter 6 (Off-Street Parking) provisions of the Zoning Ordinance.

**FINDINGS OF FACT:**

**Special Permit - Off-Site Parking:**

1. The special permit, as conditioned, is based on sound principles of land use planning in that the proposed land use is permitted in the General Commercial (C-2) zone and is compatible with the surrounding residential and commercial land uses.

2. The special permit will not be detrimental to the public health, safety, or welfare nor result in a nuisance in that:
  - a. planter areas will be installed and maintained along the public right-of-way;
  - b. the parking lot will be striped according to the City's off-street parking regulations and according to the City's Transportation Section; and
  - c. the parking lot will serve to alleviate a portion of the demand for on-street parking in the project vicinity.
3. The proposal is consistent with the General Plan which designates the site for General Commercial and the Central City Community Plan which designates the site as General Commercial. The proposed use is allowable subject to approval of a special permit.

Variances - Valet Parking, Shading:

1. The variances do not result in a special privilege extended to one individual property owner in that:
  - a. a demonstrated shortage of parking exists in the project vicinity;
  - b. the property owner is seeking to accommodate his customers by providing needed off-street parking;
  - c. due to the relatively small size of the parcel, the property owner wishes to maximize the lot's utility by providing a valet service and by reducing the shading requirement;
  - d. due to the relatively small size of the proposed parking lot, a minor reduction in required shading will not result in a significant loss of shading; and
  - e. the circumstances are such that the same variances would be appropriate for other property owners having facing similar circumstances.
2. The proposal does not constitute a use variance in that valet parking lots are compatible uses in the C-2 zone.
3. The proposal, as conditioned, will not be injurious to the public welfare nor to property in the vicinity of the applicant in that:
  - a. restaurant customers will leave their vehicles on the private lot, not on public streets;
  - b. standard striping and maneuvering area will be observed during non-business hours;
  - c. planter areas, shading, additional lighting, and other public improvements will be provided; and
  - d. the parking lot will be managed by the property owner at all times.



**Attachment 1  
Resolution - Lot Line Adjustment**

**RESOLUTION NO.**

**ADOPTED BY THE SACRAMENTO CITY PLANNING COMMISSION**

**ON DATE OF JULY 8, 1993**

**APPROVING A LOT LINE ADJUSTMENT TO MERGE THREE LOTS  
(APNs: 007-0271-011,012,013)  
TOTALING 0.124+ ACRES IN THE C-2 ZONE.  
(P93-074)**

WHEREAS, the Planning Director has submitted to the Planning Commission a report and recommendation concerning the Lot Line Adjustment for property located at 1408, 1410, and 1414 28th Street; and

WHEREAS, the Environmental Services Manager has prepared a negative declaration subject to no mitigation measures; and

WHEREAS, the Lot Line Adjustment is consistent with General Plan policies.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Sacramento:

that the Lot Line Adjustment for the property located at 1408, 1410, and 1414 28th Street, City of Sacramento, be approved as shown and described in Exhibits A, B, and C, attached hereto, subject to the following conditions:

- A) The applicant shall complete the following at the Public Works Department, Development Services Division, prior to a lot line adjustment being recorded:
  - a) File a Certificate of Compliance, submit all required documents according to the submittal requirements checklist, and pay necessary fees.
  - b) File a waiver of Parcel Map.
  - c) Properly abandon any excess water services to the satisfaction of the Water Division (one service per lot is permitted.)
  - d) Notice: Property to be merged in accordance with this certificate of compliance may be subject to flooding. Interested parties should ascertain whether and to what extent such flooding may occur. The applicable base flood elevations for the property should be reviewed. Base flood elevations are contained in the U.S. Army Corps of Engineers Flood Insurance Study Working Map for the Sacramento Community, dated January 1989, available for review at the City of Sacramento's Public Works Department, Development Services, Room 100, 927 10th Street.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
SECRETARY TO CITY PLANNING COMMISSION

**LEGAL DESCRIPTION****APN: 007-271-011:**

The South 28.42 feet of the North 98.59 feet of the East 60.00 feet of Lot 4 in Block bounded by "N" and "O", 27th and 28th Streets, according to the map or plat thereof.

**APN: 007-271-012:**

The South 31.08 feet of the North 129.67 feet of the East 60.00 feet of Lot 4 in Block bounded by "N" and "O", 27th and 28th Streets, according to the map or plat thereof.

**APN: 007-271-013:**

The South 30.33 feet of the North 160.00 feet of the East 60.00 feet of Lot 4 in Block bounded by "N" and "O", 27th and 28th Streets, according to the map or plat thereof.

~~109~~

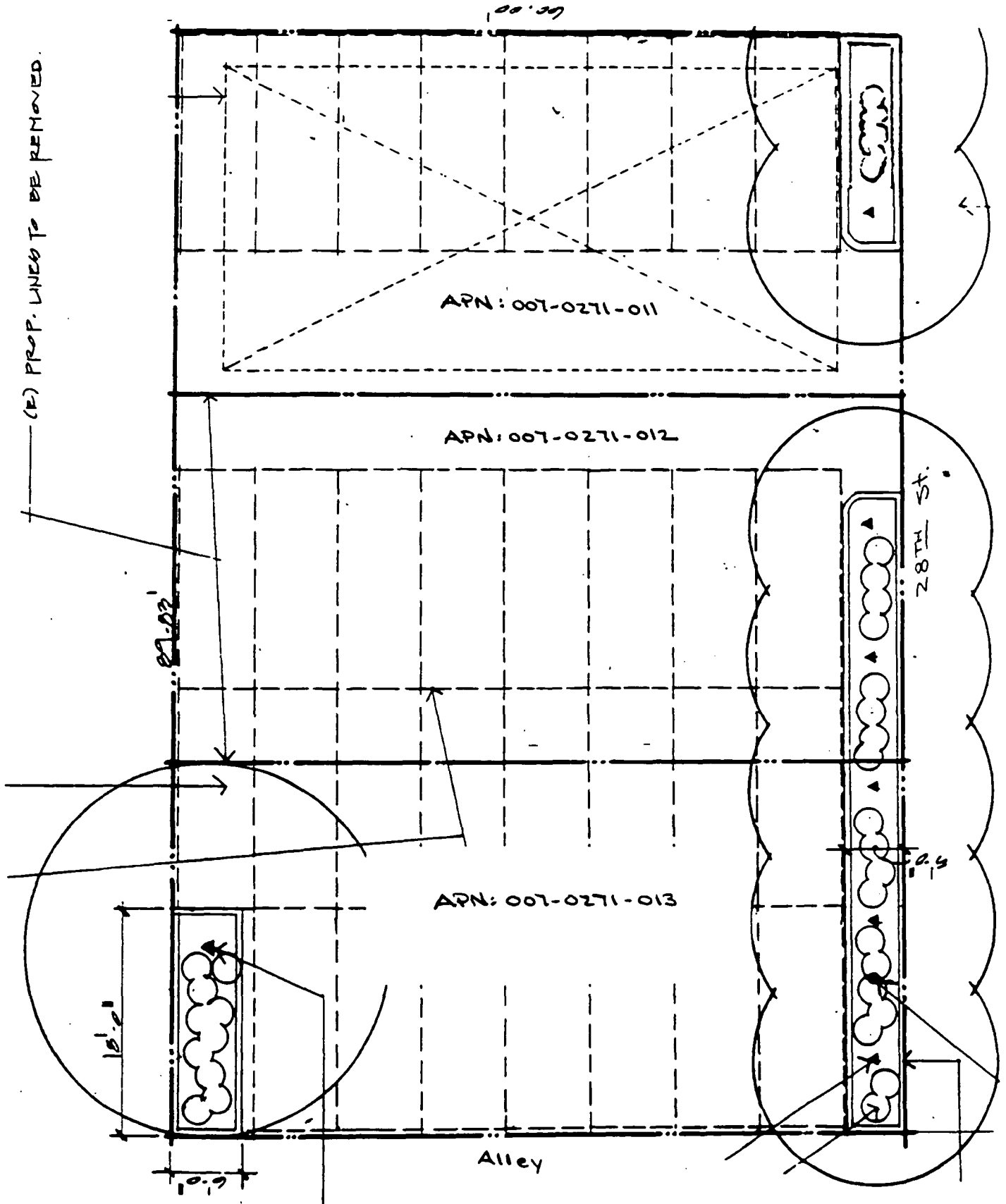
**Exhibit B**  
**Legal Description - Proposed Parcel**

**LEGAL DESCRIPTION**

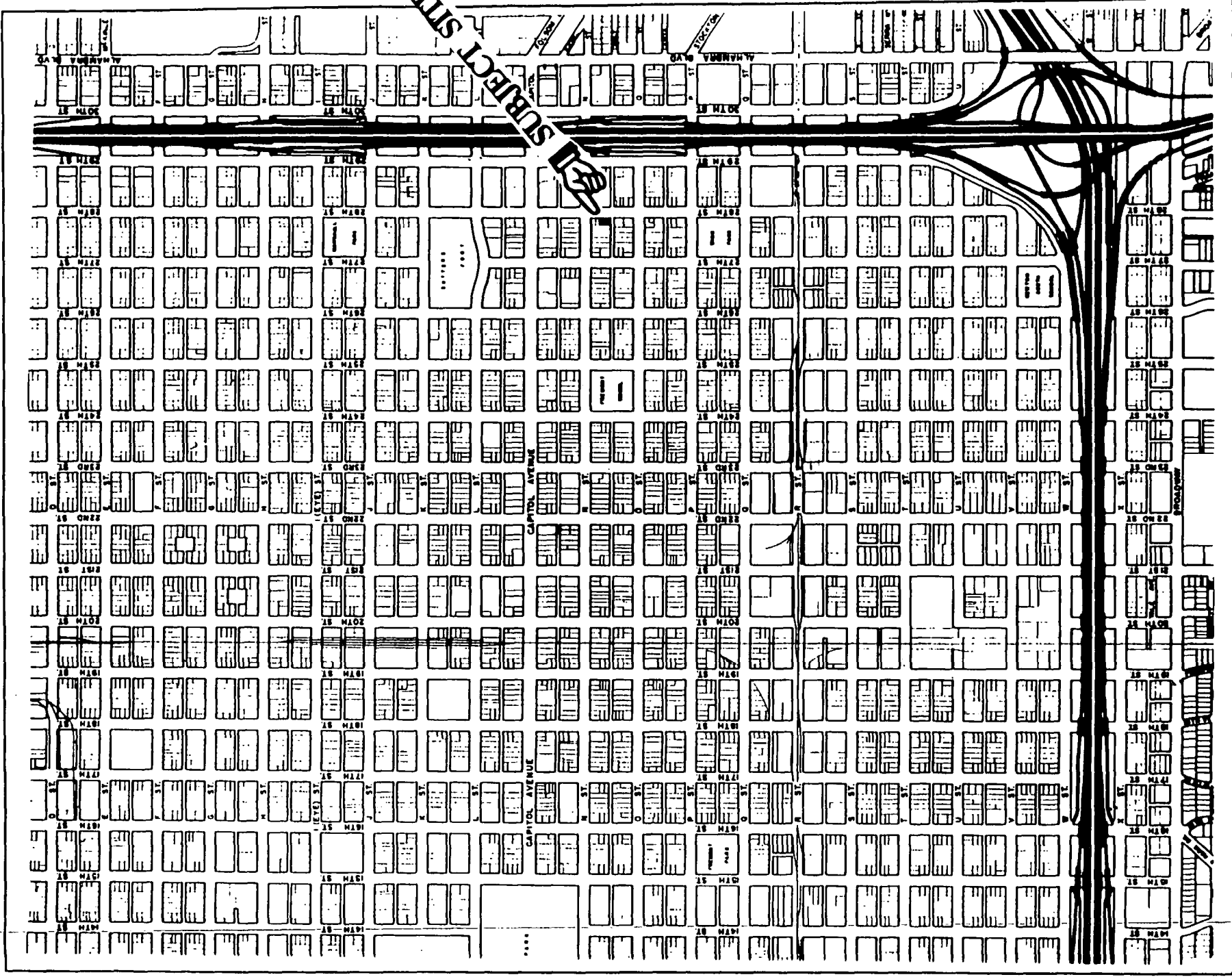
**APN: 007-271-011,012,013**

**The South 89.83 feet of the North 160.00 feet of the East 60.00 feet of the lot 4 in Block bounded by "N" and "O", 27th and 28th Streets according to the map or plat thereof.**

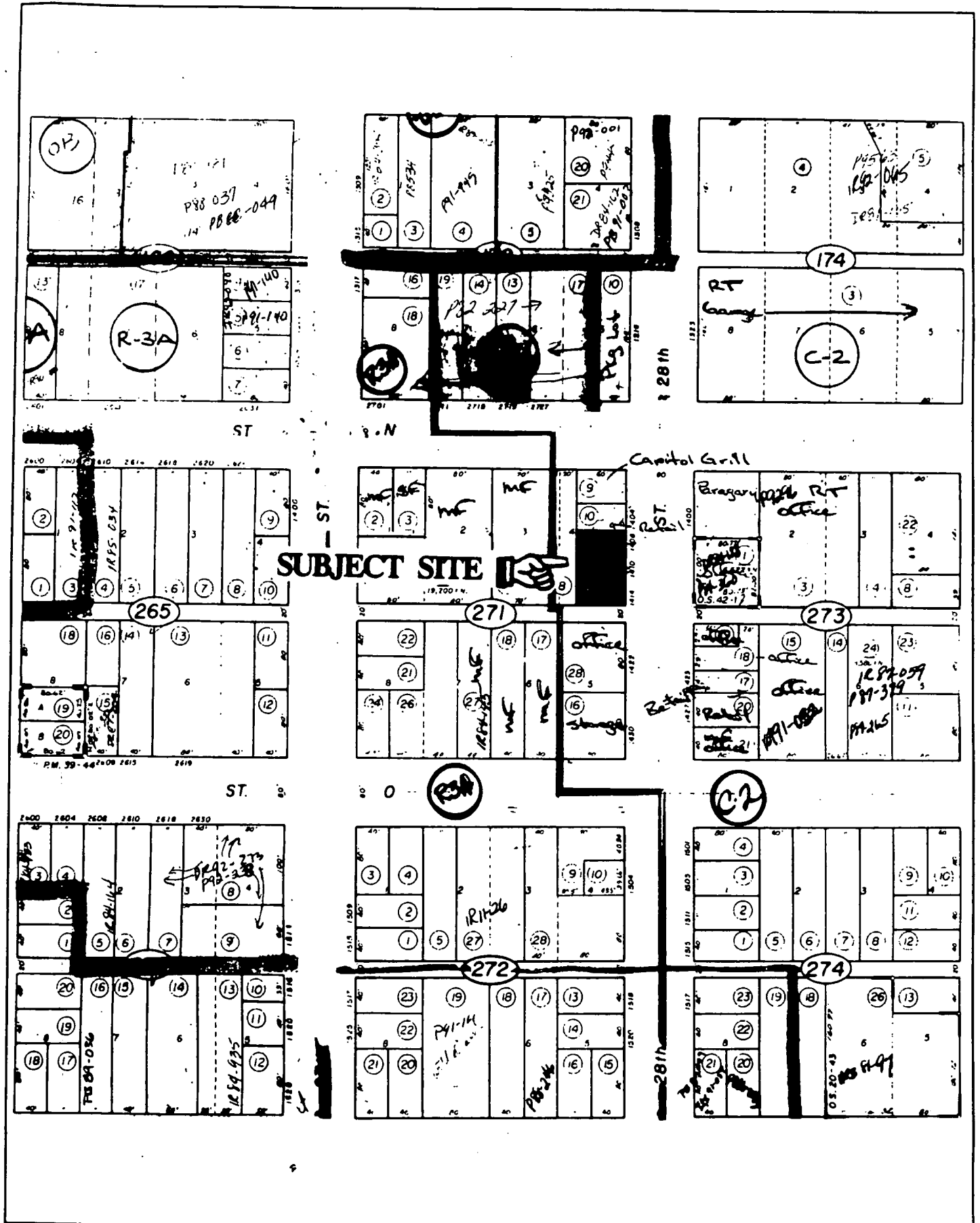
Exhibit C  
Lot Line Adjustment/Site Plan



42-11

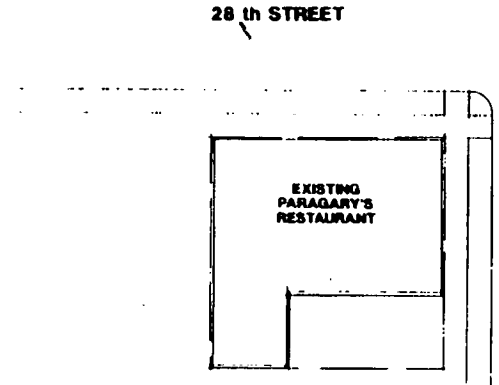
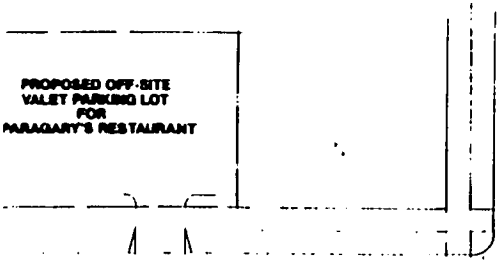


VICINITY MAP



**SUBJECT SITE** 

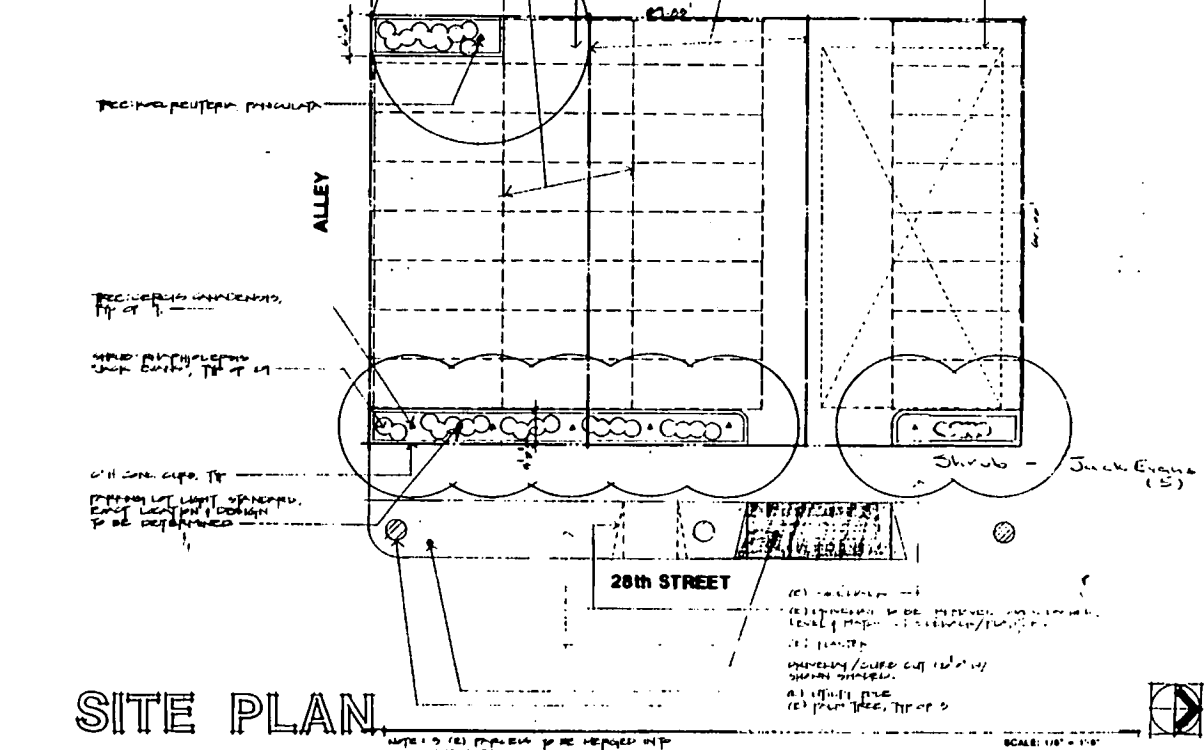
**LAND USE AND ZONING MAP**



**CATION PLAN** SCALE: 1" = 50'-0"

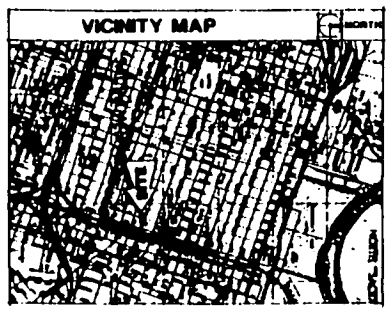
**SHADE TREE ANALYSIS**

	25.0	50.0	75.0
Canopy Comments	2079 - 150	2012 - 611	20030 - 112
Reduction to percentage			100.00 - 1.00
TOTAL SHADE OF TREES TO BE REMOVED	1171		
TOTAL ADJUSTED PERCENT	4332		
% SHADE TREES	31.06.0		



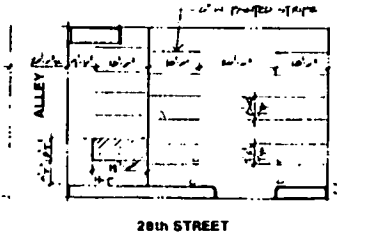
**SITE PLAN** SCALE: 1/8" = 1'-0"

NOTE: (1) PALM TREE TO BE REMOVED INTO ONE PARCEL.  
NOTE: ALL LAND THROUGH THE NEW UNITS NOTED THEREAFTER.

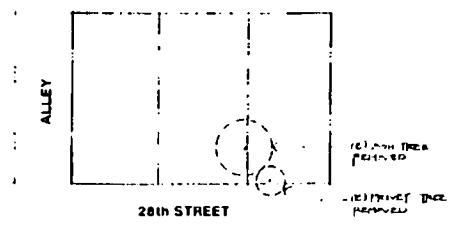


**SITE TABULATION**

**CITY OF SACRAMENTO**  
 APN: 007-271-011, 012, 013  
 ZONING: C2  
 PARCEL SIZE: 0.124 ACRES (+/-)  
 PROPOSAL: OFF-SITE VALET PARKING LOT FOR PARAGARY'S RESTAURANT (1401 28th STREET)  
 PARKING PROVIDED: 31 VALET SPACES (+/-)  
 ENTITLEMENTS: a) SPECIAL PERMIT FOR OFF-SITE PARKING;  
 b) VARIANCES FOR VALET PARKING AND REDUCTION OF SHADING REQUIREMENTS;  
 c) LOT-LINE ADJUSTMENT



**STRIPED PARKING PLAN** SCALE: 1" = 20'-0"



**EXIST. PLANT PLAN** SCALE: 1" = 20'-0"

Attachment 3  
Letter - Neighborhood Association

May 6, 1993

Mike Dale  
Assistant Planner  
City Planning Division  
1231 I Street  
Sacramento, CA 95814

Re: Project # 93-074

Dear Mike,

The applicant proposes to merge three lots, 1408, 1410 and 1414 28th Street to form one lot which will be used for valet parking for Paragary's Resturant. In so doing, he is also seeking permission to waive the standard shading requirement.

Our association has no objection to this land use and concurs with the applicant's analysis that it would help reduce parking problems in the area. We have no objection to the lot line merger. However, we are concerned about the request to waive the shading requirement. Parking lots are by their very nature ugly and hot. We believe that the applicant needs to find a way to include trees and other appropriate landscaping on the site, even if this means losing spaces for cars.

We also believe that there needs to be a provision for attractively designed lighting on the site. It has been our experience that, without lighting, parking lots such as this become places where drug dealers and other persons engaging in criminal behavior gather after hours. We think that providing attractive lighting is a step which the applicant must take to help prevent this.

This project involves the demolition of a house and that demolition has already been completed. We would like to go on record that we believe there should be a public hearing process before any demolition is allowed to take place. The house which was demolished may have been in such bad shape that there was no other alternative. However, we don't know that and it has been our experience that far too many old houses in the Central City are demolished without any attempt to explore alternatives.

Sincerely,

*Karen Jacques* 452-2631  
Karen Jacques, President  
Winn Park/Capitol Avenue Neighborhood Association

*Ed Cox (SOCA) PH# 442-7407*

