

AMENDED BY STAFF 10/23/97

P97-059 Carl's Jr.- WEST EL CAMINO / GATEWAY OAKS DRIVE

- REQUEST:
- A. Negative Declaration,
 - B. Special Permit to construct a 87 seat 3,050 sq.ft. fast food restaurant with drive thru in the Shopping Center PUD(SC-PUD) zone,
 - C. Special Permit to allow a drive-thru window at the Carls Jr. Fast food restaurant

LOCATION: Southeast Corner of West El Camino Ave. & Gateway Oaks Drive,

APN : 225-1010-012

South Natomas Community Plan
Natomas Unified High School District
Council District 1

APPLICANT:	Linda Budge/Comm Tech 9571 Mira del Rio Sacramento, CA. 95827 (916) 363-4164
OWNER:	CKE Region # 3 & Wayne Oliver 3841 North Freeway Blvd, Sacramento, CA. 95834 (714) 836-5531
APPLICATION FILED:	6-18-97; Revised 9-18-97
STAFF CONTACT:	Sharon Caudle, 264-8269

SUMMARY: Linda Budge is representing Carls Jr. restaurant by requesting the above entitlement to allow the construction of a drive thru restaurant service. The project is consistent with the land use designations in the General Plan, the 1988 South Natomas Community Plan designation of Shopping Center Planned Unit Development, and the Metropolitan Center PUD.

RECOMMENDATION: Staff recommends the Planning Commission take the following actions subject to compliance with the conditions included in the attached Notice of Decision and Findings of Facts.

- A. Ratify the Negative Declaration
- B. Adopt the attached Notice of Decision and Findings of Fact approving the Special Permit the construction of an 87 seat 3,050 sq.ft. fast food restaurant service 0.84± acre site in the SC zone subject to conditions.
- C. Deny Special Permit to allow a drive-thru window based on findings of fact which follow;

PROJECT INFORMATION :

General Plan Designation:	Community/Neighborhood Commercial & Offices
Community Plan Designation:	Retail/General Commercial
Existing Land Use of Site:	Vacant
Existing Zoning of Site:	SC-PUD

Surrounding Land Use and Zoning:

North: Offices; OB-PUD, and Adaggio Apartments; R-2B-PUD
 South: Vacant; SC PUD
 East: Vacant & Marriott Hotel; SC-PUD
 West: Shopping Center/Gas station; SC-PUD

Property Dimensions:	170'± x 165'±
Property Area:	0.84± gross acres;
Square Footage:	Fast Food - 3,050 sq.ft.
Height of Building:	25'
Parking Required:	29 spaces (One space per three seats)
Parking Provided:	29 spaces
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing

OTHER APPROVALS REQUIRED: In addition to the entitlement requested, the applicant will also need to obtain the following permits or approvals, including, but not limited to:

<u>Permit</u>	<u>Agency</u>
Building Permit	Planning & Development Department,
Sign Permit	Planning & Development Department, (Development Services Division)

BACKGROUND INFORMATION:

The proposed project was taken before the Natomas Community Association Planning Committee on August 8/19/97 and they were not supportive of the planned drive thru because they felt that there were enough fast foods in the area and this fast food service will erode their effort to encourage upgraded development in this community.

A Jack in the Box was approved by the Planning Commission on March 28, 1991 with conditions. The Jack in the Box is located down the street in a Community shopping center. Staff had recommended denial of the drive thru service based on concerns for traffic problems, but, did not object to the fast food service. The Planning Commission, however, approved the drive thru service.

The proposed Carls Jr. is located near the I-5 freeway Southbound on ramp and appears to be a better location for a drive thru service than the Jack in the Box to the east. There are several opportunities for drive thru food services near freeway on/off ramps in this vicinity:

West El Camino/I-80

- Burger King
- Park El Camino (20 acres) for Highway Commercial
- Camino Station (17 acres) with appropriate Pads suitable for drive- thrus.

I-5/ West El Camino

- Jack in the Box

I-80/Northgate bl..

- Mc Donald
- Carl's Jr.
- vacant H.C.-R
- property at west and east ends of Rosin Ct

West El Camino/ Truxel

- Property was denied a drive thru for Mc Donald's
- I-5 is a scenic corridor with a big emphasis on landscape and high quality design.

The proposal consists of the construction of a 3,050 square foot restaurant with 29 parking spaces in the SC-PUD zone. The site is surrounded by office residential and commercial uses. The applicant resubmitted the site plan and elevations for the project to address concerns of staff. The Traffic Engineer has indicated that the redesigned drive thru addresses the concern with the traffic plan. Planning staff still has policy concerns with the

drive thru service which is opposed by the neighborhood association.

STAFF EVALUATION: Staff has the following comments:

A. Policy Considerations

The proposed use is generally consistent with the General Plan and South Natomas Community Plan (SNCP) land use designations. The South Natomas Community plan policies relating to the applicants proposal are:

- The SNCP encourages new development to enhance the quality of life in this community.
- The South Natomas plan policy to discourage drive-thru commercial uses would be over looked weakening the plan.

This site is not designated for highway commercial uses and a drive-thru window will encourage freeway traffic to encroach into this community.

C. Site Plan Design/Zoning Requirements

1. Setbacks- The required set back along West El Camino in this area is 50 feet which the applicant has complied with.

Adequate building and landscape setbacks are proposed. The site plan depicts the parking area fronting on the access road to the west and a few spaces fronting on West El Camino Ave.

The site plan indicates a trash enclosure location on the southern edge of the site. The trash enclosure must meet all requirements of the Zoning Ordinance, including perimeter landscaping, masonry walls, and a solid metal gate. The trash enclosure area location does not encroach into the designated parking and driveway depicted on the site plan.

2. Parking/Circulation

The Zoning Ordinance requires one parking space for every 3 seats of area for a restaurant use. Based on the proposed 3,050 sq.ft. building with 87 seats (29) parking spaces would be required on the site. As previously stated above, the parking area is primarily located west of the restaurant.

The submitted site plan indicates a total of 29 parking spaces, two of which are handicap parking spaces.

Bicycle parking spaces are shown on the submitted site plan. The Zoning Ordinance requires one bicycle parking facility for every twenty-five off-street parking spaces required. The site plan indicates a total of four bicycle parking spaces. Staff supports this quantity of bicycle parking given the nature of the use.

The Zoning Ordinance also requires that trees be planted and maintained throughout the surface parking lot to ensure that, within 15 years after establishment of the parking lot, at least fifty percent of the parking area will be shaded.

Two driveways for ingress and egress are indicated off of the existing access easement at the south end of the site and a driveway for egress on West El Camino Avenue.

The Zoning ordinance Section 2-E-44 require a minimum of 180 feet stacking distance

The applicant has redesigned the site plan these requirements. The new site plan has expanded the drive-thru lane by one car length which meet the requirements of the Traffic Engineer.

3. Landscaping

The site plan depicts a 50 foot landscape setback along West El Camino Avenue. This landscape element is similar to the adjacent business. The landscape plans should also indicate compliance with the Water Conservation Ordinance.

4. Signage

The site plan indicates : 86.55 square feet of sign area on the structure. ~~This is in excess of that allowed in the PUD which is 40 square feet. The square footage of the proposed sinage is consistant with the zoning ordinance and the PUD. The logo's on the directional signs will have to be removed.~~

All signage will be required to comply with the City's Sign Ordinance and the PUD guidelines. Signs will be required to obtain sign permits.

The attached signs shall not exceed one square foot of sign area for each front foot of building occupancy. The proposed sign area (86.55 sqft.) ~~will exceed the maximum allowed sign area for the subject site (40 sqft).~~ The height of the signs exceed the requirements of signs in the Metropolitan Center PUD which is a maximum hieght of 18 inches and 24 inches. It is the goal of the City's Sign Ordinance to minimize visual clutter and excessive signage and introduce compatible attractive signage which compliments the building and provides clear identification of the business. The directional signs show the inclusion of logos which is prohibited

by the sign Ordinance.

the PUD limit sign height to 18 inches including any logo. The project has two identification signs and a traffic directional sign. These signs will have to be reduced to comply with the sign guidelines in then the PUD.

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Building Design

The Metropolitan Center PUD indicates the following:

- The building height in the Metropolitan Center SC zone is 35 feet. As proposed this project is 25 feet which consistent with the PUD guidelines.
- The Metropolitan Center PUD suggests that building materials be of nuteral such as earth tones. The applicant proposes that the building be white painted stucco.
- The applicant proposes to construct a 25 foot high, 3,050 sq.ft. fast food restaurant with recommended modifications will be compatible with the surrounding area and will further enhance the corner. Staff recommends the applicant change the stucco paint from white to a soft beige color such as a sand color or driftwood.
- The building modifications include a redesign of the facade with increased height and the parking area has been reconfigured. Originally the structure was boxy and had a flat roof. The project was subsequently redesigned and the roofs were peaked and provided a tiled S curved which is compatible with the apartments on the north.

D. Operating Issues

The hours of operation for the fast food restaurant are from 6:00am to 11:00pm. These hours are consistent with this type of operation.

The applicant proposes a drive-thru facility. If this entitlement is denied by the Planning Commission, the site plan should be revised to the satisfaction of staff to eliminate the drive-thru lane and exess parking.

If the entitlement for a drive-thru is approved no additional conditions are recommended.

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.

B. Summary of Agency Comments

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

1. Engineering Development Services Division
 - a) The North side of the western driveway shall be no closer than 100 feet to southern right-of-way line of West El Camino Avenue.
 - b) There are existing City electrical facilities along Gateway Oaks Dr. that may require modification or relocation due to any construction within the right-of-way.
2. Utility Department - No comments
3. Solid Waste Planning -
 - a) The applicant should consider the cost of waste disposal will increase dramatically over the next several years. Recycling and waste reduction opportunities become important means of increasing profit through cost avoidance.
 - b) The project developer should consider targeting materials for recycling in addition to corrugated cardboard.
 - c) The size of trash enclosure needs to be adequate to accommodate several collection containers.
 - d) The Solid Waste Division provides free waste audits to interested businesses.
 - e) Recycling may not generate any revenue and future recycling collection may require the facility operator to pay a fee. Commercial businesses that subscribe to City solid waste collection services are eligible for free recycling service and collection.

4. Fire Department

- a) A Fire Department permit will be required upon opening.

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

Report Prepared By,



Sharon Caudle
Associate Planner

Report Reviewed By,



Scot Mende
Senior Planner

Attachments

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

Vicinity Map
Land Use and Zoning Map
Notice of Decision and Findings of Fact
Site Plan
Elevations
Signage

ATTACHMENT C**AMENDED BY STAFF 9/18/97****NOTICE OF DECISION AND FINDINGS OF FACT FOR CARLS JR. RESTAURANT SITE,
LOCATED AT THE SOUTH OF WEST EL CAMINO AVENUE IN SOUTH NATOMAS IN
THE SHOPPING CENTER (SC-PUD) ZONE. (P97-059)**

At the regular meeting of October 23, 1997, 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. Approve the Special Permit to construct a 87 seat 3050 square foot fast food restaurant on 0.84± vacant acres in the Shopping Center (Planned Unit Development (SC-PUD) zone.
- C. Denied the Special Permit to allow a drive thru service;

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

FINDINGS OF FACT

- A. **Negative Declaration:** The Negative Declaration is approved for the proposed Carls Jr. site 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; and
 - 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. **Special Permit:** The Special Permit for the proposed Carls Jr. site is hereby approved based upon the following findings of fact:
 - 1. The project, as conditioned, is based upon sound principles of land use in that:

- i) the proposed use is compatible with non-residential uses surrounding the site; and
 - ii) adequate landscaping, parking and site design is provided.
2. The project, as conditioned, will not be detrimental to the public welfare nor result in the creation of a public nuisance in that:
 - 1) the site design and building design is compatible with the area and adequate landscaping will be provided, .
 3. The project is consistent with the General Plan and South Natomas Community Plan which designate the site for Community/Neighborhood Commercial & Offices and Retail/General Commercial uses, respectively.
 4. The project is consistent with the Community/Neighborhood Commercial & Offices land use designated by the General Plan for the site and the Retail/General Commercial of the South Natomas Community Plan.

C. FINDINGS OF FACT - DENIAL OF DRIVE-THRU WINDOW

1. The proposed restaurant with the a drive-thru window will be detrimental to the public health and safety and to the community goals to preserve the area from the intrusion of freeway traffic in that:
 - a. a drive-thru commercial use will is inconsistent with the South Natomas Community Plan's policy, Goals, and objectives which discourage drive-thrus;
 - b. a drive-thru commercial use will generate litter, traffic and air pollution which is in conflict with the City's efforts to minimize potential air pollution;
 - c. a drive-thru commercial use is in conflict with existing goals and policies which encourage the use of alternative modes of transportation;
 - d. a drive-thru commercial use may create , litter, and may be a direct impact on air quality; and
 - e. other jurisdictions have banned commercial drive-thrus to minimize air quality impacts and promote pedestrian access in areas adjacent to non-residential development

CONDITIONS OF APPROVAL

- B. The Special Permit for the proposed Carls Jr. is hereby approved subject to the following conditions:

Planning:

- B1. obtain all necessary building permits prior to construction.
- B2. The project site plan shall conform to Exhibit C-2, except as otherwise noted below.
- B3. The trash enclosure must meet all requirements of the Zoning Ordinance, including perimeter landscaping, masonry walls, and a solid metal gate.
- B4. At least four bicycle parking stall racks shall be provided on the site, as shown on the site plan.
- B5. Fifty percent shading shall be provided for the designated parking, maneuvering and driveway areas depicted on the site plan.
- B6. A detailed landscape and irrigation plan for review and approval of Planning staff shall be submitted prior to issuance of building permits. The landscape plan shall include the following items:
- a. an irrigation system shall be reflected in all areas where landscaping is proposed;
 - b. a 50-foot wide landscape setbacks shall be located on West El Camino Ave. ;
 - c. the landscape plans shall indicate compliance with the Water Conservation Ordinance;
- B7. All signage shall comply with the City's Sign Ordinance, and the signs will be required to obtain sign permits.
- B8. All mechanical equipment as well as the trash enclosure shall be placed behind the parapet wall and not be visible from the street.
- B9. A "Good Neighbor Policy" shall be established by the applicant which will include the following:
- a. Upon occupancy, or immediately thereafter, of the station the owner/operator shall conduct a "get acquainted" meeting with the community/neighbors. The property owners/neighbors within the South Natomas Community Association shall be informed of the meeting. The meeting will be conducted to introduce the operator/manager of the station to the neighbors and identify the contact person and phone number neighbors will use if an emergency

should arise. The owner/operator shall conduct the meeting at the site.

- b. For 18 months following the occupancy of the Carls Jr., community meetings shall be held quarterly by the owner and/or operator of the restaurant. The owner and/or operator shall work with the South Natomas Community Association to arrange these meetings and notice the community and association members. The purpose of these meetings is to receive comments and concerns from the neighbors and work towards possible solutions. The owner and/or operator shall advise City Planning staff of meeting date, time and place two weeks in advance. A list of attendees and minutes of the meeting shall be submitted to the Planning Department within one week following the meeting.

After the 18 month period, community meetings shall be conducted as requested by the Neighborhood Association.

- c. A sign indicating a 24 hour emergency phone number and contact person shall be kept current and posted on the building.
- d. The owner/operator shall be responsible for the removal of all litter generated by this business. The area within a one block radius (all directions) of this business shall be patrolled once a day for trash/litter.
- e. The owner/operator of the Carls Jr. shall not allow non-customers to gather or loiter in or around the Carls Jr.
- f. The owner/operator of the Carls Jr. shall be responsible for abatement/removal of any and all graffiti on the property within 48 hours. Neighborhood Services Department is available to assist the operator by providing information for preventative measures to reduce the occurrence of graffiti.

Graffiti shall mean any unauthorized inscription, work, figure, or design that is marked, etched, scratched, drawn, or painted on or otherwise affixed to or on any surface.

- g. The owner/operator of the Carls Jr. shall maintain the grounds and landscaping areas in a clean, weed free and groomed manner. Landscaping shall be replaced with live, healthy plants, trees and grass as needed if original landscaping dies.

Public Works:

- ~~B10. Size of the easterly driveway on West El Camino Avenue must be reviewed and approved by Public Works prior to issuance of the site permit.~~

- B11. On-site paving, grading and drainage shall be approved by Public Works prior to issuance of Building Permits.
- ~~B12. A reciprocal access agreement between the two property owners for ingress, egress, maneuvering and drainage shall be in place prior to issuance of a building permit for the facility.~~
- B13. The north side of the western driveway shall be no closer than .100 feet to the right-of-way line of West El Camino Ave.

Utilities:

- B14. A grading plan showing existing and proposed elevations is required. Adjacent off-site topography shall also be shown to the extent necessary to determine impacts to existing surface drainage paths. No grading shall occur until the grading plan has been reviewed and approved by the Department of Utilities.
- B15. An on-site surface drainage system is required and shall be connected to the street drainage system by means of a storm drain service tap. All on-site systems shall be designed to the standard for private storm drainage systems (per section 11.12 of the Design and Procedures Manual).

Advisory Notes:

- B16. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance will require the applicant to prepare erosion and sediment control plans for both during and after construction of the proposed project, prepare preliminary and final grading plans, and prepare plans to control urban runoff pollution from the project site during construction.

Refer to the City of Sacramento's "Administrative and Technical Procedures Manual for Grading, Erosion and Sediment Control", January 1994, for acceptable BMP's to control erosion and sediment transport, and pollution associated with construction activities. This Manual is available from the Department of Utilities by calling 433-6318.

Fire Department

B17. An Assembly Permit will be required upon opening.

ATTEST:

CHAIRPERSON

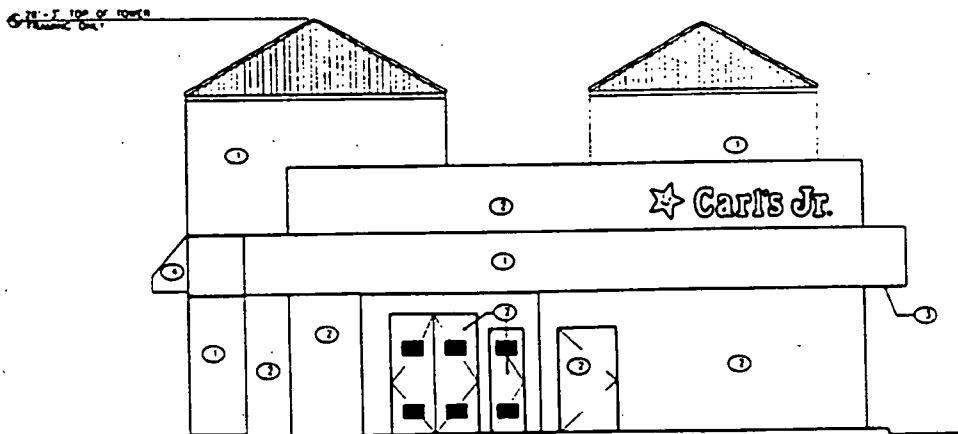
SECRETARY TO PLANNING COMMISSION

P97-059

EXHIBIT C-3
ELEVATIONS



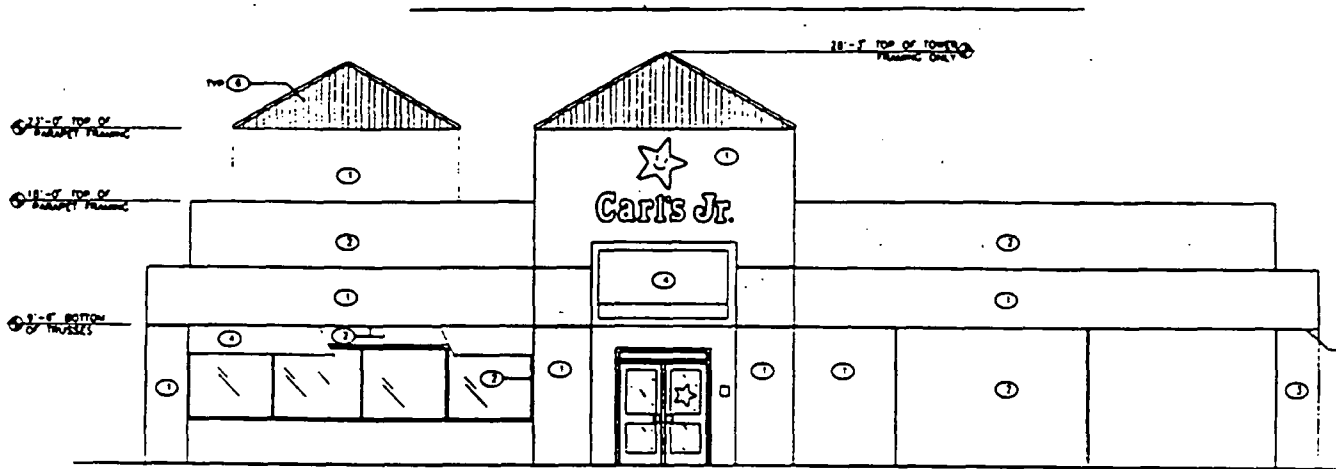
WEST ELEVATION



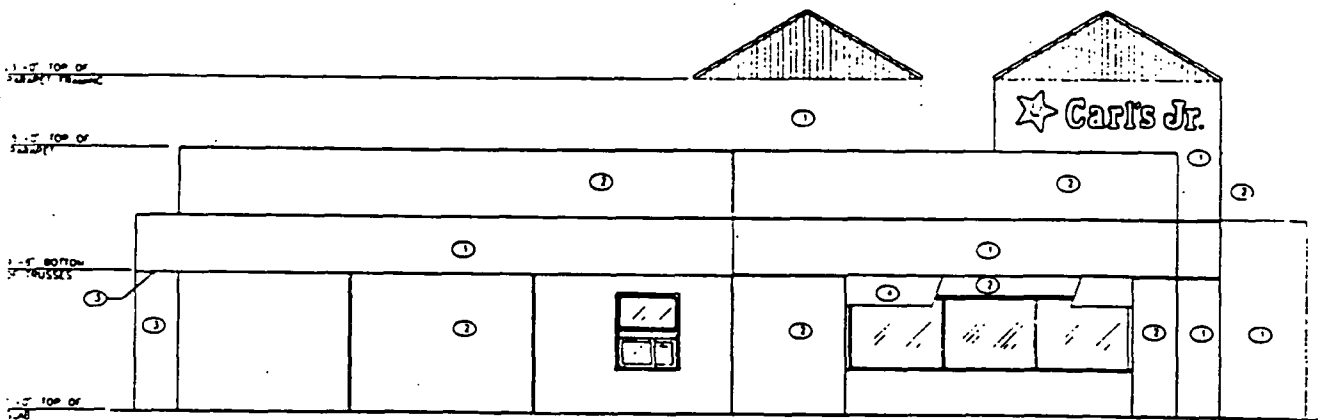
EAST ELEVATION

EXHIBIT C-4

SIGNAGE



SOUTH SIDE ELEVATION



NORTH SIDE ELEVATION