

CITY PLANNING COMMISSION  
1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814

APPLICANT Thomas Westley 1371 Garden Hwy Ste 200 Sacto CA 95833

OWNER Riverbank Holding Co. 1371 Garden Hwy Sacto CA 95833

PLANS BY Roger Scott Group 1801 Garden Hwy. Sacto CA 95833

FILING DATE 8-10-90 ENVIR. DET. Neg Dec REPORT BY hw

ASSESSOR'S PCL. NO. 274-030-035

APPLICATION:

- A. Negative Declaration
- B. Special Permit Modification to relocate 62 of the existing 97 off-site parking spaces to a future condominium site and relocate the remaining 35 off-site parking spaces as tenant parking on the lower level of the Riverbank Marina on 3.0± vacant acres in the Floodway Overlay (Planned Unit Development) (FW(PUD)) zone.
- C. Variance to locate 62 required parking spaces off-site for the Riverbank Marina on 3.0± developed acres in the FW(PUD) zone.
- D. Variance to allow 62 parallel parking spaces off-site.
- E. Variance to increase the number of valet parking spaces from 40 to 116 to be located on the lower level for the Riverbank Marina site in the FW(PUD).
- F. Variance to waive the parking lot paving and drainage requirements for the 62 off-site parking spaces.
- G. Variance to waive the shading, lighting and landscaping requirements for the 62 off-site parking spaces.

LOCATION: 1361-1401 Garden Highway

PROPOSAL: The applicant is requesting the necessary entitlements to allow 62 parking spaces off-site and an additional 76 valet parking spaces and 35 tenant spaces on the lower level of the Riverbank Marina.

PROJECT INFORMATION:

General Plan Designation:	Parks, Recreation, Open Space
1986 South Natomas Community	
Plan Designation:	Riverfront District
School District:	Natomas Grant Joint Union
Existing Zoning of Site:	FW(PUD)
Existing Land Use of Site:	Riverbank Marina

Surrounding Land Use and Zoning:

North: Office, Residential; OB-PUD, R-1(PUD)  
South: Sacramento River; F  
East: Restaurants; FW(PUD)  
West: Restaurants, Office; FW(PUD)

Parking Required:	475 spaces (For entire Riverbank Marina)
Parking Provided:	373 spaces (62 off-site; 116 off-site valet; 195 on-site)
Property Dimensions:	Irregular
Property Area:	off-site parking lot 1.8± Riverbank Marina 5.0±
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing

**Background Information:** On January 25, 1983, the City Council approved an Amendment to the South Natomas Community Plan to allow residential condominiums, houseboats and office uses in the Riverfront District. A Special Permit was also approved to allow 175 berth marina; 6,000 sq.ft. of office; three restaurants totaling 13,000 sq.ft.; 4,000 sq.ft. of marina-related commercial; 2,400 sq.ft. boat sales; 2,400 sq.ft. harbor master office; 18 residential condominium units and 18 boat dockages; and 12 live-aboard houseboats (P-9307).

In 1984, the Planning Commission approved a Lot Line Adjustment to relocate common property lines between two parcels to accommodate the future development of the Riverbank Marina (P84-267).

On September 18, 1987, the City Council approved a Tentative Map to subdivide a 1.8± acre site for 18 condominium units on a portion of the Riverbank Marina site and a Subdivision Modification to waive street frontage improvements along Garden Highway (P87-264). Although the map was approved, the applicant did not submit specific plans or elevations for the proposed condominiums. On September 8, 1989, the City Council approved a one year time extension for the Tentative Map. In August of 1990, an application was filed for a second extension of the Tentative Map. The project request is currently being reviewed by the Environmental Services Division.

On January 26, 1989, the Planning Commission approved a Special Permit Modification to legalize an increase in the number of seats in two restaurants and the construction of an outdoor deck area for one of the restaurants (P89-005). The entitlements also included Variances to legalize 40 valet parking spaces and allow 109 temporary off-site parking spaces on the Village Marina site (east of the Riverbank Marina). Only 97 of the 109 parking spaces were required for the Riverbank Marina based on the increased seating. A condition of approval and an agreement between the City of Sacramento and the applicant indicated that the temporary parking be limited to a maximum of two years, provided that an application for a building permit be obtained no later than August 1, 1990 for permanent parking on the condominium project site with construction commencing no later than September 15, 1990 and the completion of a permanent parking lot at either the temporary off-site parking lot or the condominium site within six months of its commencement. Consequently, the lease agreement to locate the 109 temporary parking spaces on the Village Marina site expired on September 30, 1990 with no renewal. The applicant is, therefore, requesting that the required 97 parking spaces be relocated to the Riverbank Marina site (62 off-site parking spaces on the future condominium site; 35 lower level parking spaces).

On August 24, 1989, the City Planning Commission denied a Special Permit to increase the number of boat berths at the Riverbank Marina and a Variance to locate the required parking for the additional boat berths off-site on the condominium site. The applicant's request also included Variances to waive parking lot paving, drainage, shading and landscaping requirements. These Variances were also denied by the Planning Commission.

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

A. Land Use and Zoning

The subject site consists of two parcels totaling 6.8± acres in the Floodway Planned Unit Development (FW{PUD}) zone. Both sites are located in the Riverbank Marina. The General Plan designates the site for Parks, Recreation & Open Space and the 1986 South Natomas Community Plan designates the site as Riverfront District. The subject sites are surrounded by a mixture of uses including offices, restaurants,

water related commercial, residential and vacant lots. The mixture of uses provide for a high level of activity on and near the subject sites adjacent to the Sacramento River.

**B. Applicant's Proposal**

The applicant is requesting a Special Permit Modification to relocate 97 of the 109 off-site parking spaces that were located at the Village Marina to a future condominium site and to the lower level of the Riverbank Marina. Only 97 of the 109 parking spaces are required in order to meet the current parking requirement. Sixty-two of the 97 parking spaces will be relocated to the condominium site which is off-site and 35 of the required parking spaces will be on-site on the lower level of the Riverbank Marina. A Variance is required to locate parking off-site. As previously mentioned, the applicant is requesting to relocate the required 97 parking spaces to another location because the existing lease of the land on which the parking spaces are located (Village Marina) expired on September 30, 1990 with no renewal. In addition, the applicant is requesting a Variance to designate the 62 parking spaces as parallel parking and waive the parking lot paving, landscaping, shading and drainage. Lastly, a Variance is requested to increase the number of valet parking from 40 to 116 at the lower level of the Riverbank Marina.

**C. Staff's Analysis**

**1. Riverbank Marina**

Staff's evaluation of the applicant's request to relocate 97 parking spaces is based on an examination of the existing intensity of the Riverbank Marina use, an analysis of the existing parking situation, exposure of the public to safety hazards and the expected future development within the Riverfront District. Staff has concluded that the area within the subject site is currently at a high level of intensity in terms of use and the continuation of uses at their present state will only result in further congestion along Garden Highway. The roadway systems in this portion of the Garden Highway area appears to be at the point of being overloaded with no permanent solution to the traffic congestion being provided. In addition, Planning staff has recently been informed that a traffic study for the existing situation along Garden Highway has not been implemented.

**2. Existing & Future Intensity of Uses**

The applicant is proposing a Special Permit Modification to relocate 62 required parking spaces off-site and add an additional 76 valet parking spaces to the lower level of the Marina. It is important to note that the relocation of parking spaces has not happened yet. In the past, however, the applicant has expanded uses at the Riverbank Marina prior to receiving City approval. In 1984, the applicant started construction of the existing parking deck without the benefit of a building permit. Subsequently, the applicant obtained building permits for all structures. In 1989, the City approved parking Variances and Special Permit Modifications for a restaurant expansion which included the construction of a deck for more restaurant seating. The applicant also introduced 40 valet parking spaces at the lower level of the Riverbank Marina in order to meet the parking requirement for the additional seats. These modifications were also done prior to Commission approval. During the hearing process, the solution determined by the Commission was to approve the off-site temporary parking area and allow the valet parking. The applicant has since added more seats at the existing three restaurants combined without Commission approval (see Exhibit B). The applicant's request to relocate the 97 parking spaces to a different location will not help the existing problem at the Riverbank Marina since staff has observed that additional seating has been illegally included at the three existing restaurants without Commission approval.

City staff has recently received an application for a major office and commercial development at the Village Marina. This type of intense development will only add to the existing problem and will only stress the need to very carefully scrutinize the effects of these uses on a street system that is currently overloaded.

### 3. Parking Requirement-- Riverbank Marina

City staff recently observed that there were more seats in the existing restaurants than the project was originally approved for in 1989. The original Special Permit (P-9307) for the Riverbank Marina was approved by the Planning Commission in 1983. The approved Special Permit included the development of restaurants, retail, office and boat slips. As previously mentioned, in 1989 a Special Permit Modification was approved by the Planning Commission to increase the number of seats at the existing restaurants for a total of 718 seats. Listed below is a breakdown of the parking requirements for the different uses currently on-site.

- Restaurants:	718 seats = 239 spaces
	(1:3)
- Retail:	4,808 sq.ft. = 19 spaces
	(1:250)
- Office:	9,802 sq.ft. = 25 spaces
	(1:400)
- Boat slips	179 = 90 spaces
	<b>Total Required = 373 spaces</b>

Staff has since visited the Riverbank Marina site and found a significant number of seats occupied during lunch hour at each restaurant site. As a result of the seat count, a total of 1,022 seats were located at the three restaurants combined. A total of 235 parking spaces exist on-site at the Riverbank Marina (195 regular; 40 valet). Based on the City's recent seat count, a total of 475 parking spaces are required.

<u>Existing Land Use</u>	<u>Parking Provided</u>	<u>Parking Required</u>	
-Restaurants:	1,022 seats	239	341
-Retail space:	4,808 sq.ft.	19	19
-Office space:	9,802 sq.ft.	25	25
-Boat slips:	179 slips	90	90
<b>Total Parking Spaces:</b>		<b>373</b>	<b>475</b>

With the additional 97 parking spaces relocated on the Riverbank Marina site, the Marina use would still be short a total of 102 spaces based on the above figures. In addition, the City's Traffic Engineer has informed staff that 14 of the additional 76 valet parking spaces would be inappropriate for valet stacking. Typically, from a traffic and operational standpoint, tandem/valet parking should be no deeper than three spaces. The applicant is proposing stacking spaces from four to seven feet deep. Lastly, 12 of the 109 temporary parking spaces would not be relocated to the Riverbank Marina site which would require a reduction in the number of seats allowed at the three restaurants combined. If the various entitlements are approved, a total of 328 seats should be removed from the three restaurants combined to meet the parking requirement (1,022 existing seats minus 328 less seats equals 694 seats/ 694 seats divided by 1:3 seat parking ratio equals 231 parking spaces required; 359 parking spaces on-site {195 on-site upper/lower levels, 102 valet lower level, 62 off-site}). The 328 seat total is based on the total number of

parking spaces counted by staff on the upper and lower levels including those proposed parking spaces that are appropriately designed and oriented to the satisfaction of the City's Traffic Engineer. Staff believes that the applicant's request to relocate 97 parking spaces off-site will not minimize the existing parking problem at the Riverbank Marina. Staff, however, feels that the parking problem may be minimized to some extent with reduced seating in each restaurant.

The Neighborhood Services Division has been informed of the illegal seating at the restaurant sites. Staff has also attached as Exhibit C a break down of the number of seats counted at each restaurant.

4. Parking -- Condominium Site

The applicant is requesting a Variance to locate 62 of the 97 required parking spaces on the condominium site. Ninety-seven of the existing 109 temporary parking spaces are located at the Village Marina site due to previous additions to the restaurants at the Riverbank Complex. The applicant was required, as a condition of the approved temporary parking lot entitlements, to begin construction of permanent parking on the condominium site by September 15, 1990. The condominium site is also required to accommodate the total remaining on-site parking requirement for the Riverbank Marina uses. Essentially, all of the existing and proposed temporary off-site parking as well as the condominium unit parking will be designed into the condominium site. Staff has outlined below the parking totals required to be accommodated within the condominium project.

Required Parking for Existing Riverbank Marina Uses:	4 7 5	s p a c e s
Required 18 condo project (1:1.5):	<u>27</u>	<u>spaces</u>
Total Required Parking:	502	spaces
Existing Parking:	<u>373</u>	<u>spaces</u>

These figures indicate that 129 parking spaces are required to be incorporated into the condominium project. These 129 parking spaces are required for both the future condominiums and existing land uses at the Riverbank Marina. Planning staff has yet to see any development plans to substantiate that this amount of parking can appropriately be integrated into the condominium project. The original Special Permit approved for the condominium project required that the design of the condos be reviewed and approved by the City's Design Review/Preservation Board. The applicant has not submitted any condominium plans to be reviewed by Planning staff. In addition, City staff has no guarantee that condos will even be developed on the site, since the applicant has previously submitted requests for office development on the site. Staff, therefore, recommends that a the condominium project be submitted to staff which reflects permanent parking to satisfy the parking requirement for the Riverbank Marina. Lastly, the applicant is requesting a Variance to waive paving on the condominium site which leaves staff to believe that construction of a permanent parking structure may never happen.

The City's Traffic Engineer has also informed staff that there are some major problems depicted on the applicant's proposed off-site parking lot (see Exhibit A). The driveway/aisle width between the proposed parallel parking spaces and the parking spaces width and depth are not designed to City standards. In addition, the proposed driveway is not in compliance with the City's required approach grade. Because of the significant engineering problems identified by the City's Traffic Engineer, the Transportation Division staff is also opposed to the Variance requests to locate parking on the subject site and to design parallel parking.

5. Variances -- Valet Parking

There are currently 40 valet parking spaces approved at the lower level of the Riverbank Marina. On several site visits, staff observed available valet parking at the same time that cars were parked on Garden Highway. The existing valet parking may have helped to meet the applicant's requirement but realistically has not helped to alleviate the ongoing parking problem in the area. Staff has concluded that increasing the number of valet parking spaces will not help alleviate the severe parking problem along Garden Highway, since the majority of the patrons visiting the site would rather park along Garden Highway than pay for valet parking. Staff is, therefore opposed to the applicant's request to locate 76 additional valet parking spaces on site.

D. Agency Comments

The proposed was reviewed by the City's Traffic Engineer, Engineering, Building Inspections, City Water and Sewer and the Natomas Community Association. The following comments were received:

Engineering

1. On site grading, paving and drainage shall be approved by Public Works prior to issuance of a Building Permit.
2. Notice: Property to be developed in accordance with this 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.

Traffic

1. Applicant shall comply with all provisions of the City's Driveway Ordinance (City Code Section 38.160 to 38.171) which includes the requirement that all driveways shall have an approach grade of no greater than 4% within 20 feet of public right-of-way.
2. Applicant shall comply with all provisions of Section 6-D-20 of the City's Zoning Ordinance which includes the surfacing of the temporary parking lot.
3. All parallel parking spaces in temporary parking lot should be a minimum of 24 feet in length and 8 feet in width.
4. Aisle width between parallel parking spaces should be a minimum 15 feet wide.
5. Tandem parking spaces should be for valet parking and no deeper than three spaces.

Natomas Community Association

The Association has indicated in the attached letter (Exhibit D) that they are opposed to the proposed project due to the existing parking and traffic problems in the area.

ENVIRONMENTAL DETERMINATION: The Environmental Coordinator has determined that the project as proposed will not have a significant adverse impact on the environment; therefore, a Negative Declaration has been prepared with following mandatory mitigation measures:

- A. The developer is to grade the site such that new topography makes a smooth transition to existing adjacent topography and match existing adjacent cover. Grading techniques which control excessive run-off and erosion during construction shall be implemented. These techniques shall be incorporated into final design to limit future erosion and run-off for the completed project. Grading shall be in accordance with the State Board of Reclamation permit (The State Reclamation Board requires an encroachment permit for any proposed activity along or near Federal Flood Control Project levees).
- B. The applicant shall install erosion control treatment along the northerly bank of the Sacramento River along the entire length of the project site to the satisfaction of the Army Corps of Engineers and the State Reclamation Board. The City's Environmental Services Manager must receive written confirmation of compliance from the Army Corps of Engineers and the State Reclamation Board prior to the issuance of any building permit.
- C. A consultant shall be retained to develop an adequate drainage system that includes grease/sediment traps, as well as paving. This drainage system shall be subject to the review and approval of the City Director of Public Works prior to submitting for a building permit. The drainage plan shall comply with all National Pollutant Discharge Elimination System (NPDES) regulations and standards.
- D. A four foot high chain link construction barrier fence shall be installed around the dripline of each tree prior to the commencement of grading on the site.
- E. No surface or grade changes and no trenching shall be made within the driplines of the trees.
- F. No parking of vehicles or storage of materials shall occur within the driplines of the trees.
- G. The fences may be removed after construction is complete.
- H. Grading and construction plans for the proposed project shall include a note of the aforementioned mitigation measures (D,E,F & G).

E. Conclusion

The original plans approved for the Riverbank Marina in 1983, indicated that parking would be provided under the condominium units to meet the required parking for the entire Riverbank Marina. Staff, therefore, recommends that rather than approving additional valet parking and off-site parking at this time, a permanent parking structure should be constructed. The completion of the condominium project appears to be the key to permanent parking in the area and could relieve most of the traffic safety and congestion in the Marina. Requiring that the applicant reduce the number of seats in each restaurant could also minimize some of the traffic congestion in the area. Staff, therefore, recommends denial of the off-site parking and additional valet parking and is recommending that the number of seats in the existing restaurants be reduced.

RECOMMENDATION: Staff recommends the following actions:

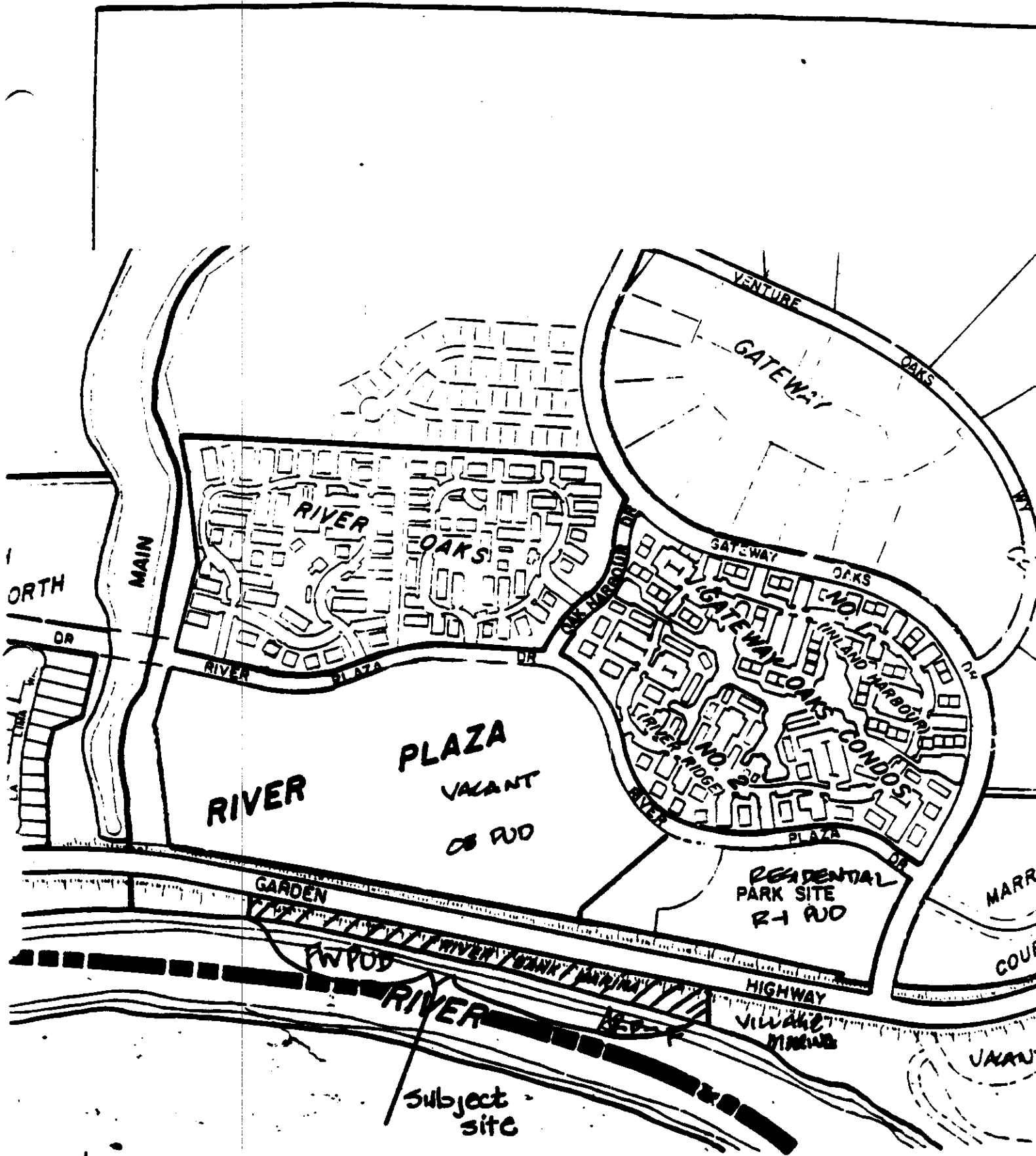
- A. Ratify the Negative Declaration;
- B. Deny the Special Permit Modification to relocate 62 of the existing 97 off-site parking spaces to a future condominium site and relocate the remaining 35 off-site parking spaces as tenant parking on the lower level of the Riverbank Marina based upon findings of fact which follow;

- C. Deny the Variance to locate 62 required parking spaces off-site for the Riverbank Marina based upon findings of fact which follow;
- D. Deny the Variance to allow 62 parallel parking spaces off-site based upon findings of fact which follow;
- E. Deny the Variance to increase the number of valet parking spaces from 40 to 116 to be located on the lower level for the Riverbank Marina based upon findings of fact which follow;
- F. Deny the Variance to waive the parking lot paving and drainage requirements for the 62 off-site parking spaces based upon findings of fact which follow; and
- G. Deny the Variance to waive the shading, lighting and landscaping requirements for the 62 off-site parking spaces based upon findings of fact which follow.

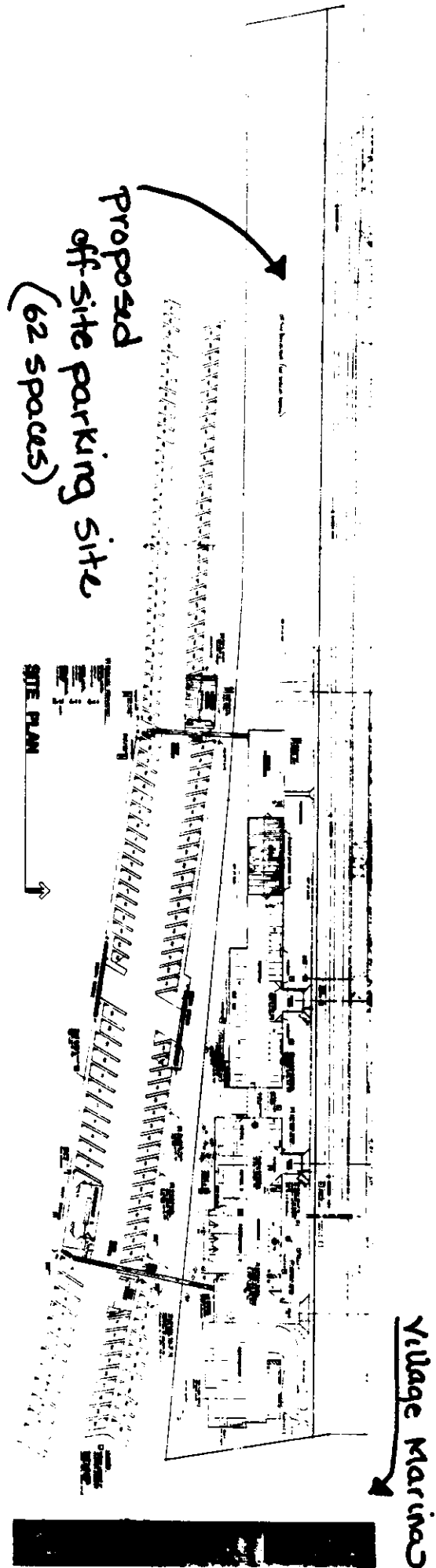
Findings of Fact

1. The proposed project is not based upon sound principles of land use in that the existing intensity of uses has reached a point that is overloading the existing roadway and temporary solutions cannot appropriately provide solutions to traffic congestion and public safety.
2. The proposed project will be detrimental to the public health, safety, or welfare and result in the creation of a nuisance in that the off-site parking and additional valet parking will not minimize the existing parking congestion and will not promote the usage of valet parking and no improvements will be done on the proposed off-site parking lot.
3. Granting of the Variances constitutes a special privilege extended to one individual property owner in that the temporary parking solution has been over-utilized and that permanent parking facilities are now warranted.
4. The proposed project is inconsistent with the Riverfront policies of the South Natomas Community Plan to permit marinas and river related commercial uses that are nuisance-free and consistent with river--carrying capacity and nuisance-free by Special Permit. Staff finds the proposed project to further aggravate an existing parking problem creating nuisances between the Garden Highway and the river-related uses.





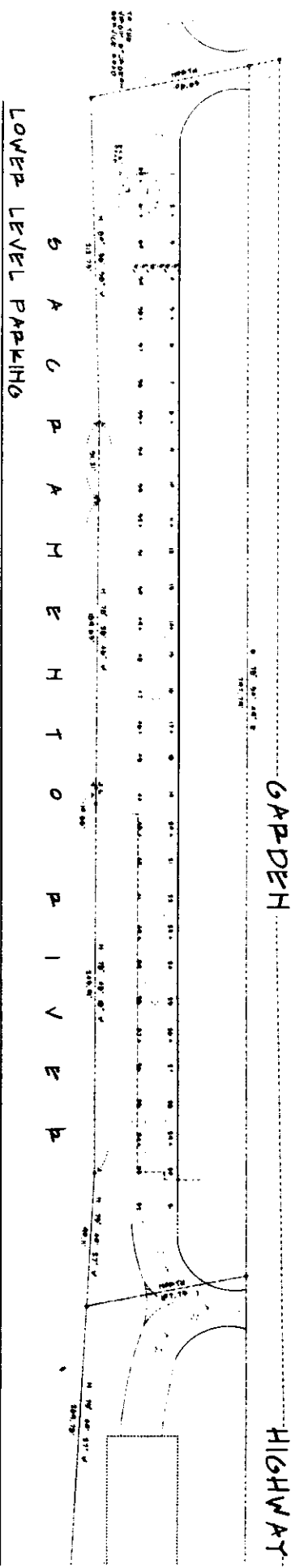
**VICINITY, LAND USE & ZONING MAP**



Proposed  
off-site parking site  
(62 spaces)

Village Marina

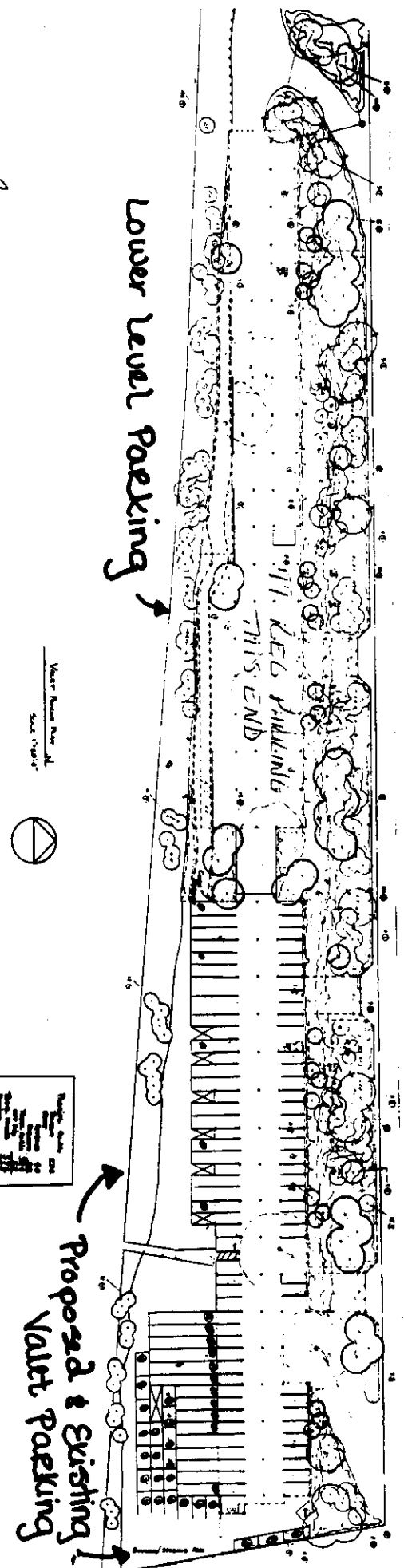
SITE PLAN



Detailed Drawing of Parking Plan  
62 parking spaces

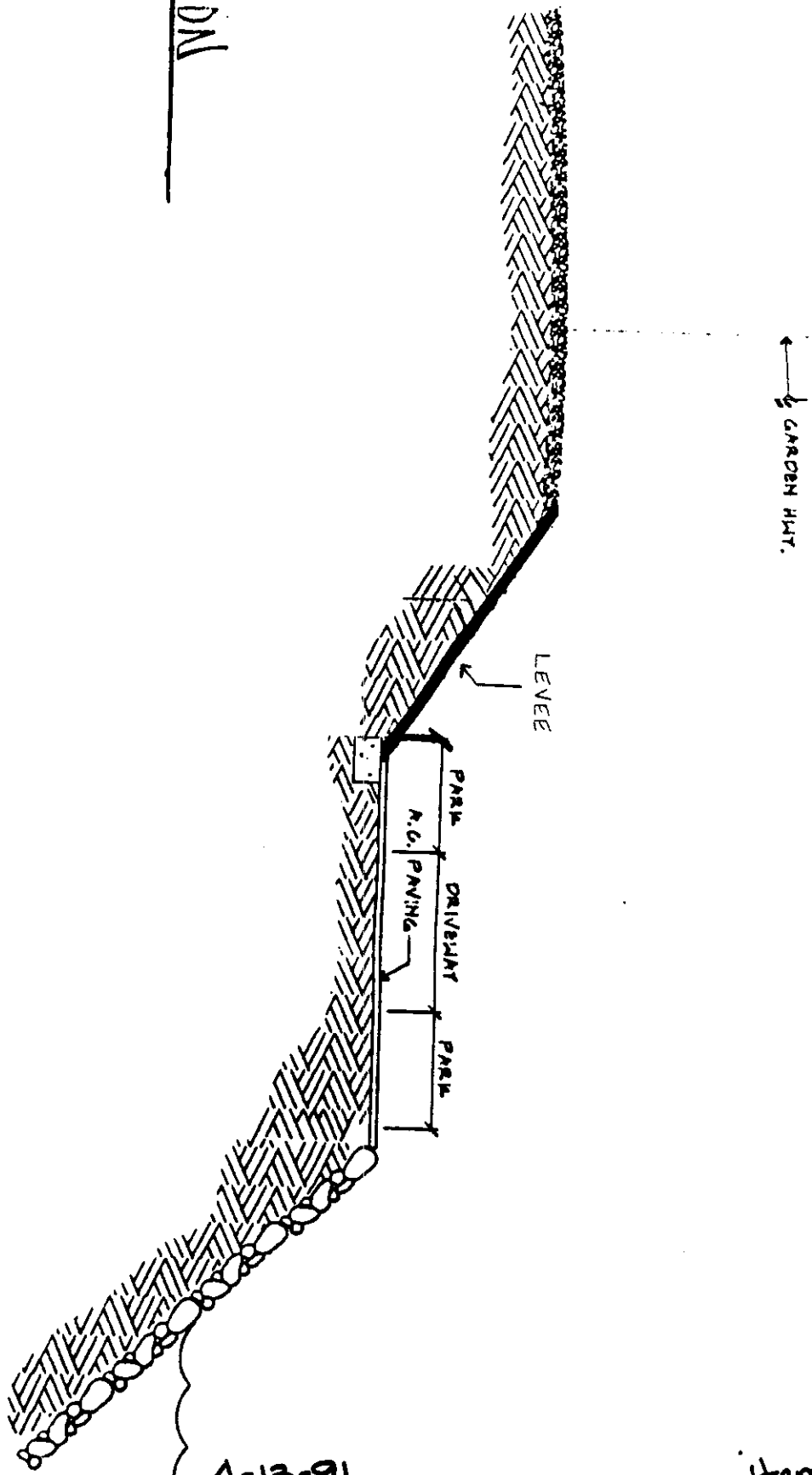
PARKING:

LOWER LEVEL (REG)	118
UPPER LEVEL (REG)	116
DR. STREAGER	62
APPROXIMATE TOTAL	40
DR. GATE IN D VILLET	77
	<u>373</u>



CROSS SECTION

Scale 1/8" = 1'-0"



MEMORANDUM

Date: August 7, 1990  
 To: Marty Van Duyn, Planning Director  
 From: Bridgette Williams, Associate Planner  
 Dawn Holm, Junior Planner  
 Subject: Riverbank Marina, 1371 Garden Highway

Marty,

On Wednesday, August 1, 1990, we went out to the Riverbank Marina and performed a seat by seat verification on the three allowed Restaurants (Chevy's, Crawdad's, and Ricky's) for this development. The following is a summary of what is allowed vs. what was approved by the Planning Department, P89-005, which is the most recent Planning File for this location:

	<u>Approved Land Use</u>	<u>Parking to be Provided</u>
- Restaurants:	718 seats	239 (1:3 seats)
- Retail:	4,808 sq.ft.	19 (1:250 sq.ft.)
- Office:	9,802 sq.ft.	25 (1:400 sq.ft.)
- Boat Slips:	179 slips	90 (1:2 slips)
<b>Total Parking Required</b>		<b>373 spaces</b>

Of the 373 parking spaces which were required the Planning Commission approved 97 of those spaces to be located off-site and 276 spaces to be located on site.

	<u>Existing Land Use</u>	<u>Parking Provided</u>	<u>Parking Required</u>
- Restaurants:	1,022 seats	239	341
- Retail (unverified):	4,808 sq.ft.	19	19
- Office (unverified):	9,802 sq.ft.	25	25
- Boat Slips (unverified):	179 slips	90	90
<b>Total Parking Spaces:</b>		<b>Provided - 373</b>	<b>Required - 475</b>

According to the attached Restaurant Survey which was done on August 1, 1990 we have determined that this site is short 102 Parking Spaces.



**NCA**

Natomas Community Association

P.O. Box 340451 • Sacramento, California 95834

CITY PLANNING DIVISION

OCT 01 1990

**RECEIVED**

September 27, 1990

Department of Planning and Development  
Current Planning Division  
City of Sacramento  
1231 "I" Street, Suite 200  
Sacramento, CA 95814-2998

Re: Floodway Planned Unit Development  
P90 - 351

Dear Sir/Madam:

Thank you for inviting the comments of the Natomas Community Association with regard to the above referenced project. This matter has been discussed by the Association's Board of Directors, and at a meeting of the Planning Subcommittee of the NCA. The results of those meetings are as follows:

1. This project is of extreme significance to the community and to the Natomas Community Association because of its location along the riverfront and existing adverse traffic and parking conditions at this site.
2. The NCA has lost confidence in the owner-operator of this property because it believes the owner has not made a good faith effort to comply with previous Planning Department guidelines and requirements. These guidelines concern, among other things, restaurant size and parking.
3. The NCA has previously opposed projects in the Riverfront District (see our correspondence regarding P90-196, proposed by the same owner as the subject of this letter; and, IR90-051, the Sierra Foundation Center) pending clarification of the permitted and desired uses of the Riverfront District in South Natomas. This opposition has occurred because the District represents a finite and

**Officers:**

Ray Tretheway, President  
925-2449

David Thoene, Vice President  
446-1111

Gregg Wardrip, Treasurer  
922-1404

Lee LeFevre, Secretary  
925-2832

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Mark McLoughlin  
Alan Moll  
Carol Parrish  
Alice Sykes

September 27, 1990  
Department of Planning and Development  
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unique resource in the community, and deserves priority consideration for planning. We will continue to oppose projects in the Riverfront District until clarification is cooperatively arrived at through consultation with the NCA, property owners in the Riverfront District, and City Planning Staff.

4. Parking and traffic at this project is dangerous to health and safety. Accordingly, the NCA is requesting for the third time that a comprehensive parking and traffic study be completed prior to further action on this parcel. Parking and traffic problems in this area have been the subject of considerable previous discussion and communication with City staff, and the conditions presently existing in this area critically unsafe.
5. The owner of the property has indicated in a previous request (your file number P90-196) a desire to construct an office building on the condominium site adjacent to the Riverbank Marina. Accordingly, the requested special permit modification could exacerbate, rather than ameliorate, parking problems at this location.

Because of the previous reasons, the NCA opposes favorable consideration of a special permit modification to relocate existing parking spaces to the future condominium site adjacent to the Riverbank Marina. Instead, we are requesting again that no further development occur in this area until a clarification of the Riverfront District is made, and until a comprehensive solution to unsafe parking and traffic conditions in this area is found.

Thank you for bringing this matter to our attention.

Sincerely yours,

  
David M. Thoene