

*Approved on
Consent 7-9-98*

CITY PLANNING COMMISSION
SACRAMENTO, CALIFORNIA
MEMBERS IN SESSION:

ITEM # 4
JULY 9, 1998
PAGE 1

P98-059 3400 BROADWAY

- REQUEST:
- A. Categorical Exemption (Section 15301) and (15304);
 - B. **Special Permit** to allow a stand for sale of agricultural products on 0.12 ± vacant acres in the General Commercial (C-2) zone; and,
 - C. **Special Permit** to allow off-site parking at the Food Bank parking lot on 0.4 acres in the General Commercial (C-2) zone.

LOCATION: 3400 Broadway
APN: 010-0376-001 (produce stand), 010-0374-007 (parking lot)
Council District 5

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|--------------------|---|
| APPLICANT: | Sacramento Real Foods Company Jerold Ligons, (916) 688-1042 7964 Grandstaff Drive Sacramento, CA 95823 |
| OWNER: | 34th and Broadway Development Corporation 4821 28th Street Sacramento, CA 95817 |
| APPLICATION FILED: | May 27, 1998 |
| STAFF CONTACT: | Don Smith, 264-8289 |

SUMMARY: The applicant is seeking the necessary entitlement to allow sale of agricultural products at a temporary stand several days per week. Six off-site parking spaces will be provided at the Food Bank parking lot which is kitty corner from the produce stand site.

RECOMMENDATION: Staff supports the proposal as it would help to bring economic activity to the area. This is also supported by the Oak Park Project Area Committee.

PROJECT INFORMATION:

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|----------------------------|--|
| General Plan Designation: | Community/ Neighborhood Commercial & Offices |
| Zoning: | General commercial (C-2) |
| Existing Land Use of Site: | Vacant |
| School District: | Sacramento Unified |

Surrounding Land Use and Zoning:

North: Commercial, General Commercial (C-2)
 South: Commercial, General Commercial (C-2)
 East: Commercial, General Commercial (C-2)
 West: Commercial, General Commercial (C-2)

Property Area: 0.12 ± acres, produce stand site,
 0.4 ± acres parking lot

Property Dimensions: 139' X 140' produce stand site
 120' X 150' 64 space parking lot

Size of Stand Approximately 40 feet long, Temporary Stand

Materials for Temporary Stand: Folding Tables with a Tubular Frame/ Canvas Awning

OTHER APPROVALS REQUIRED: In addition to the requested entitlement, the applicant will be required to obtain the following permit:

Permits
 Sign Permit

Agency
 Development Services Division

BACKGROUND: The applicant proposes to operate a stand to sale agricultural produce several days per week, (Monday, Wednesday and Friday) from 7 AM to 3 PM, March through December each year. The produce stand will operate similar to Farmer's Market that is located at Caesar Chavez Park, Roosevelt Park and at other locations. The requested produce stand, however, will only have one operator at this site. The stand would initially be operated by one employee, but eventually may have up to three employees.

Sacramento Food Bank Services, located kitty corner to the subject site, has agreed to provide six off-street parking spaces in their parking lot at 34th and Third Avenue. Bathrooms would be provided in the nearby bank (Exhibit 2). Trash receptacles will be provided and will be emptied on a daily basis.

This type of business has been profitable in other communities where it has brought economic activity to an area. If the business is well received by the community, the business operator would be encouraged to locate in a permanent structure. The applicant has indicated willingness to locate within a building if the venture is successful.

Staff recommends approval of the proposal with conditions that will establish

parameters to ensure the business does not become a detriment to the neighborhood.

STAFF EVALUATION: Staff has the following comments:

A. Policy Considerations

The produce stand, being a commercial business, would be considered consistent with the commercial General Plan and Zoning designations that have been applied to the site.

The proposal has the potential to bring economic activity and revitalization to the location which is consistent with General Plan policies that promote improving the quality of life in the community.

The Zoning Ordinance requires an approved Special Permit for a stand for the sale of agricultural products, and for off-site parking.

B. Site Plan

The site for the produce stand is 40' X 139' and is on the corners of Broadway, 34th Street and 3rd Avenue. The site is vacant. The applicant proposed to landscape the site, with trees, shrubs and ground cover. Gravel walkways are proposed in the sales area. Two picnic benches would be located in the center of the site.

Staff recommends that the landscape plan be reviewed and approved by Planning staff prior to any work on the site, and before the sales of any products from the stand. The final landscape plan shall include:

- identification of the type of shrubs, trees and ground cover proposed,
- irrigation plan with automatic sprinklers, and/ or automatic drip system,
- redwood or concrete curbing/ dividers between shrubbery planters and ground cover, ground cover and walkways.
- walkways to consist of compacted decomposed granite.

A sign plan shall also be submitted. Signage should be located on the tables or awning and shall be removed with the tables. A small monument sign at the corner may be permitted upon approval of a sign permit.

C. Parking

The applicant proposes to provide six parking spaces off-site at the Sacramento Food Bank which is located kitty-corner from the produce stand site, on the southwest corner of 34th Street and 3rd Avenue. The Food Bank site has 64 parking spaces

(Exhibit 3B). Six spaces had been designated for six residential units on the adjacent property to the west (Special Permit P92-269). Only four of the six units have been built. The applicant has obtained an agreement from the Food Bank for six spaces. The agreement will be in effect from July 1, 1998 to November 31, 1998, then from March, 1999 to the end of 1999 (Attachement 2). Staff is recommending a condition to re-evaluate the parking situation at the end of the 1998 season. If additional parking is needed, the applicant will be obligated to provide it, or to return with a Special Permit modification to reduce the parking obligation.

PROJECT REVIEW PROCESS:

A. Environmental Determination

The proposed project involves a temporary use of the land with no permanent effects on the land upon which it is located. The project qualifies for a Categorical Exemption pursuant to Section 15301 and 15304 of the California Environmental Quality Act (CEQA) Guidelines. No further environmental review is required.

B. Neighborhood Response

Public notice was sent to the Oak Park PAC, Oak Park Drug Free Zone, Oak Park Business Association. Comments have been received from the Oak Park PAC in favor of the proposal.

C. Summary of Agency Comments

Staff has received comments from various City departments. Recommended conditions of approval reflect their concerns.

PROJECT APPROVAL PROCESS: The Planning Commission has the authority to approve or deny the requested entitlement(s). The Commission action may be appealed to the City Council within 10 days following the Commission's action. Any modification to the project shall be subject to review and approval by Planning staff prior to the issuance of building permits.

RECOMMENDATION: Staff recommends that the Planning Commission take the following action:

- A. Adopt the attached Notice of Decision and Findings of Fact with the environmental determination that the project is exempt pursuant to CEQA;
- B. Adopt the attached Notice of Determination and Findings of Fact approving the **Special Permit** to allow a stand for sale of agricultural products on 0.12 ±

vacant acres in the General Commercial (C-2) zone; and,

- C. Adopt the attached Notice of Determination and Findings of Fact approving the **Special Permit** to allow off-site parking at the Food Bank parking lot on 0.4 acres in the General Commercial (C-2) zone.

Report Prepared By,



Don Smith, Associate Planner

Report Reviewed By,



Bridgette Williams, Associate Planner

Attachments

| | |
|--------------|---|
| Attachment 1 | Notice of Decision and Findings of Fact |
| Exhibit 1 | Vicinity Map |
| Exhibit 2 | Land Use and Zoning Map |
| Exhibit 3A | Site Plan - Produce Stand Site |
| Exhibit 3B | Site Plan - Parking Site |
| Exhibit 4 | Awning to be used |
| Attachment 2 | Letter from Food Bank |

ATTACHMENT 1:**NOTICE OF DECISION AND FINDINGS OF FACT FOR A SPECIAL PERMIT TO ALLOW A STAND FOR THE SALE OF AGRICULTURAL PRODUCTS, AND A SPECIAL PERMIT TO ALLOW OFF-SITE PARKING AT THE FOOD BANK PARKING LOT AT 3400 BROADWAY, APN 013-0376-001 AND 010-0374-007 SACRAMENTO, CA**

At the regular meeting of July 9, 1998, the City Planning Commission heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Planning Commission took the following action for the location listed above:

- A. Categorical Exemption (Sections 15301 and 15304);
- B. **Special Permit** to allow a stand for sale of agricultural products on 0.12 ± vacant acres in the General Commercial (C-2) zone; and,
- C. **Special Permit** to allow off-site parking at the Food Bank parking lot on 0.4 acres in the General Commercial (C-2) zone.

These actions were made based upon the following findings of fact:

FINDINGS OF FACT

- A. Categorical Exemption The City Planning Commission finds and determines that the proposed project is exempt from environmental review pursuant to Sections 15301 and 15304 of the CEQA Guidelines.
- B. Granting the Special Permit is granted upon sound principles of planning in that the produce stand:
 - 1. will encourage economic activity in the area of the project,
 - 2. is consistent with the General Commercial (C-2) zone in which it is located, and
 - 3. is compatible with other development in the area.
- C. Granting the Special Permit is not detrimental to the public health, safety or welfare in that:
 - 1. the use is temporary and will be dismantled after each business day, and

2. adequate trash removal will be incorporated into the project.
- D. Granting of the Special Permit will not create a nuisance in that:
1. Adequate parking is provided, and
 2. The use is a temporary use and can be disassembled.
- E. Granting of the Special Permit complies with the objectives of the General Plan for the area in that:
1. The use is a commercial use in a commercial designation of the General Plan, and
 2. The use promotes the goal to encourage economic activity and revitalization of an area.

These actions were made based upon the following conditions of approval:

CONDITION OF APPROVAL The requested Special Permit is hereby approved subject to the following conditions:

1. The produce stand shall be operated as described in the staff report and as identified on the approved site plan (Exhibit 3A). Only one operator shall be allowed to operate on the site (e.g. Sacramento Real Foods Company), additional vendors will require a Special Permit Modification.
2. Picnic benches shown on the site plan shall be constructed of expanded metal with "seat rails" to discourage sleeping on them. Picnic benches shall be removable, rather than permanent.
3. At any time the operation of the produce stand creates a nuisance, the applicant and Planning staff shall meet to determine alternative means of operating the business. At such time as the business becomes a nuisance because of high activity, it may be necessary for the business to move into a permanent building in the neighborhood. The Planning Director may take steps to revoke the Special Permit if a nuisance exists and suitable alternatives are not available or acted upon.
4. Products sold shall be limited to the following: flowers, vegetables, fruits, grains, breads, nuts, honey, water, in general products that do not require processing (except breads).

5. Sale of alcoholic beverages is prohibited on the site.
6. Tables, awnings, trash and all equipment associated with the produce stand shall be removed after each days sales (except the picnic benches).
7. The landscape plan shall be reviewed and approved by Planning staff prior to any work on the site and before the sales of any products from the stand. The final landscape plan shall include:
 - identification of the type of shrubs, trees and ground cover proposed,
 - irrigation plan with sprinklers, and/ or drip system,
 - redwood or concrete curbing/ dividers between shrubbery planters and ground cover, ground cover and walkways.
 - walkways to consist of compacted decomposed granite.
8. All landscaping shall be maintained at a minimum plant and/or shrub height of 30 inches and trees maintained at a minimum distance of six feet from lowest branch to the ground.
9. Decorative planting shall be maintained as not to obstruct or diminish lighting level throughout the project.
10. Applicant shall post and maintain on the premises and in the parking lot used in conjunction there with notices clearly visible to the patrons of the establishment and parking lot and to persons on the public sidewalk stating, in block lettering the following:

" UNLAWFUL TO ENTER, BE OR REMAIN ON PARKING LOT OR
ADJACENT PUBLIC SIDEWALK WITH AN OPEN ALCOHOLIC
BEVERAGE CONTAINER. C.P.C.647e.(a); S.C.C.26.01.24(c)."
11. Applicant shall sign an agreement delegating the sworn employees of the Sacramento Police Department to act as applicant's agents for the sole purpose of enforcing Section 602(k) of the California Penal Code and that applicant agrees to properly post project property, aid in the investigation and prosecution of such cases, the posting shall consist of notices, in block lettering, with the wording:

" NO TRESPASSING - VIOLATORS WILL BE PROSECUTED
UNDER 602(k) C.P.C.
12. A sign plan shall also be submitted. Signage should be located on the tables or awning and shall be removed with the tables, a small monument sign at the

corner may be permitted upon approval of a sign permit.

- 13. Applicant shall be a "good neighbor" and shall ensure that neighbors have access to the applicant's telephone number. Applicant shall ensure that customers are provided bathroom facilities within one block of the site. There shall be no loitering at the site, no loud noise, the site shall be free of trash, and trash receptacles shall be provided for customers. Trash shall be removed from the site after each day's business.
- 14. Applicant shall ensure that a minimum of six off-street parking spaces are available during the operation of the produce stand. At the end of the 1998 season, the applicant shall re-evaluate the parking needs for the business. If additional parking is needed, the applicant will be obligated to provide additional parking, or to return with a Special Permit Modification to reduce the parking obligation from six spaces. Parking agreements shall be provided to the Planning Division to continually ensure that the off-site parking is available.

CHAIRPERSON

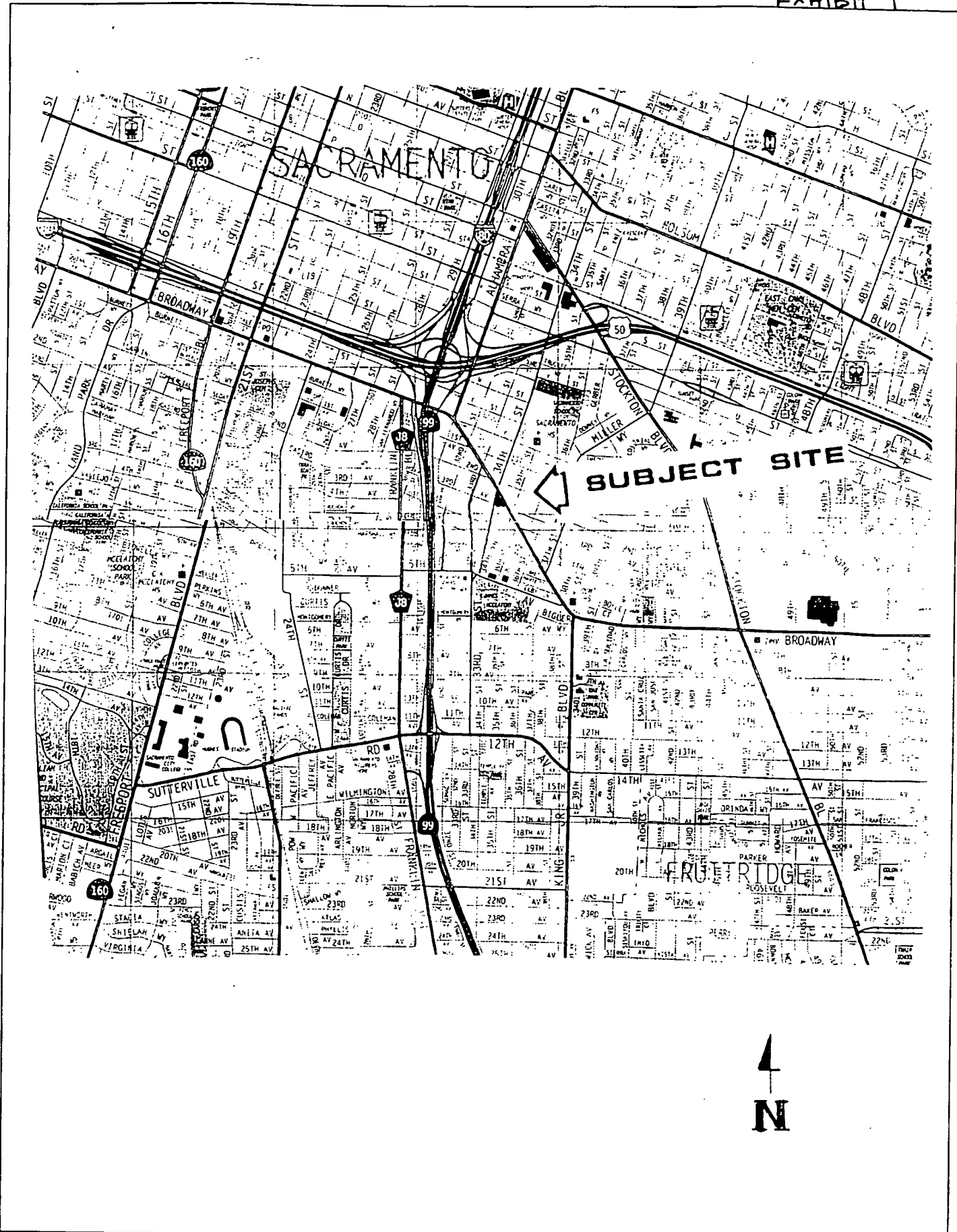
ATTEST:

SECRETARY TO CITY PLANNING COMMISSION

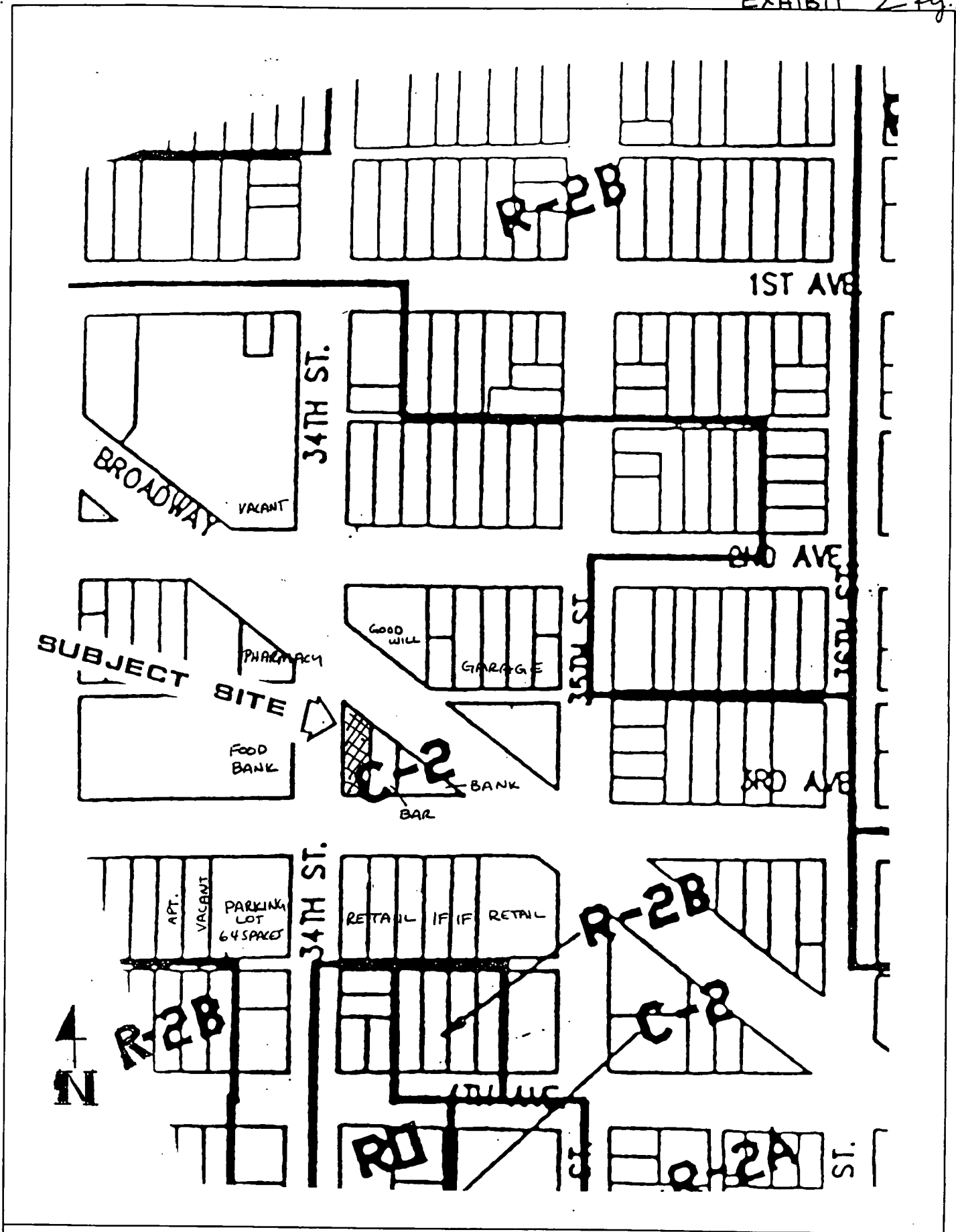
DATE (P98-059)

Attachments

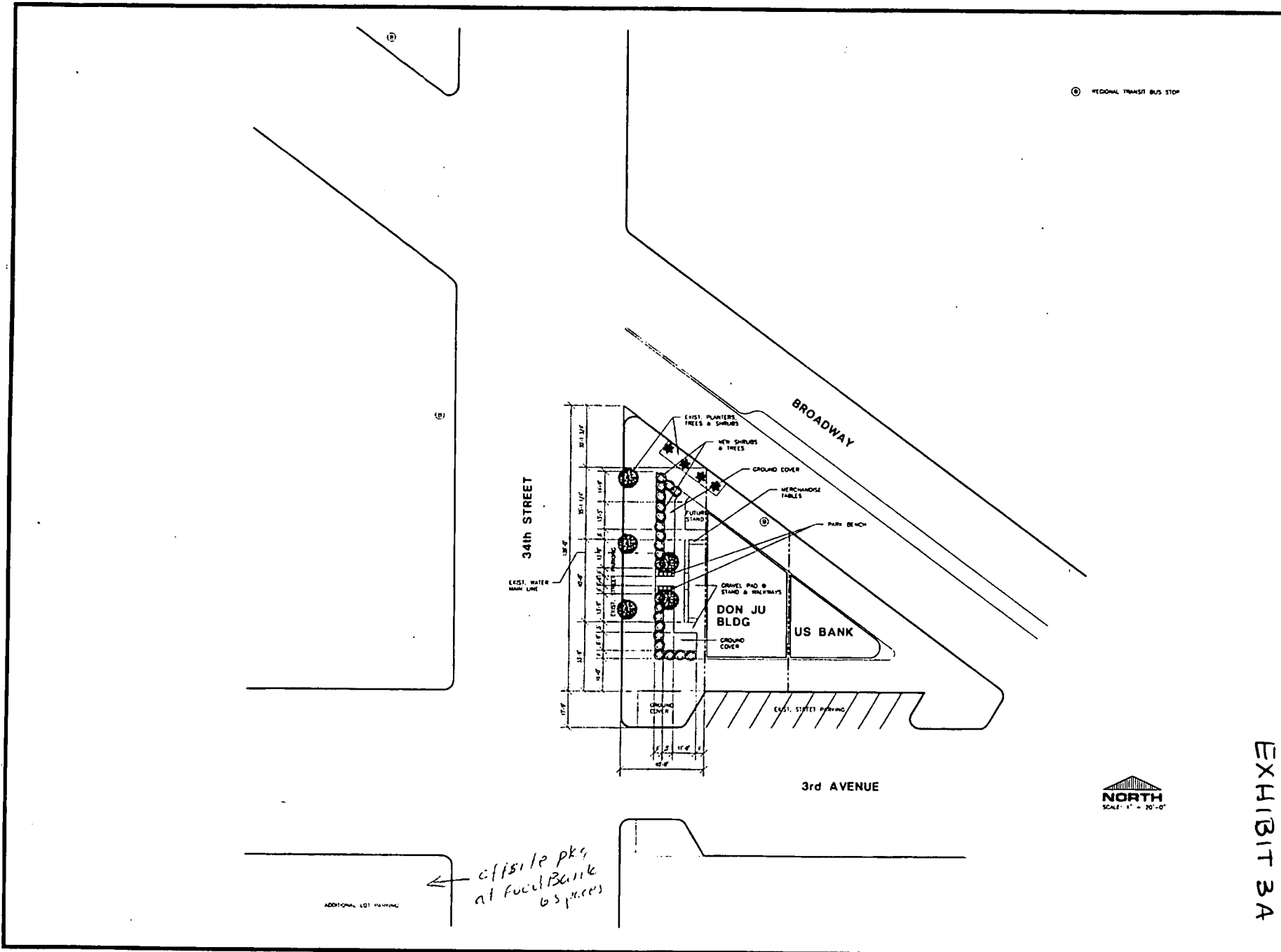
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- Exhibit 2 Land Use and Zoning Map
- Exhibit 3A Site Plan - Produce Stand Site
- Exhibit 3B Site Plan - Parking Site
- Exhibit 4 Awning to be used
- Attachment 2 Letter from Food Bank



VICINITY MAP



LAND USE AND ZONING MAP



ⓑ REGIONAL TRANSIT BUS STOP

Sacramento Real Foods Company Design Division

1984 GRANDSTAFF DRIVE
SACRAMENTO, CA 95813
PHONE: (916) 688-1042
FAX: (916) 688-1042

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SACRAMENTO REAL FOODS COMPANY

1984 GRANDSTAFF DRIVE
SACRAMENTO, CA 95813
Phone: (916) 688-1042
Fax: (916) 688-1042

CONTRACTOR

REVISIONS

| NO. | DESCRIPTION | DATE |
|-----|-------------|------|
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| | | |
| | | |
| | | |

DRAWINGS ISSUED FOR: PERM APPROVED PLANNING REVIEW
 BLDG. PERMIT NO (NOT FOR CONST.)
 CONSTRUCTION
 AS-BUILT DRAWINGS

DRAWINGS PREPARED FOR
SACRAMENTO REAL FOODS PRODUCE STAND

3403 BROOKHURST
SACRAMENTO, CA 95817

EXHIBIT 3A

SHEET TITLE
CONCEPTUAL SITE PLAN

| | | |
|------------|-------------|-----------|
| DATE | 00-00-00 | SHEET NO. |
| PROJECT | 00-0000 | |
| SCALE | 1" = 20'-0" | |
| DRAWN BY | | |
| CHECKED BY | | |

A1
 12.12



TYPE OF AWNING TO BE USED

1976



1998

PRESIDENT/FOUNDER
Fr. Dan Madigan

June 4, 1998

REC'D JUN 04 1998

GENERAL MANAGER
Leslie Elgood

COMMUNITY ADVISORY BOARD
Charles Sylva, *Chair*
Thomas Aguer
James Diepenbrock
Leighton Hatch
Archie Milligan
Archibald Mull
Beverly Rosinski
Ilham Saca
Randall Schaber
Paul Taylor
Fred Teichert
Tina Thomas

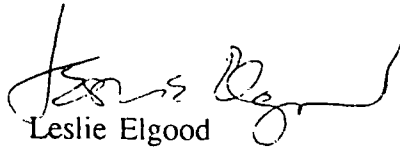
Mr. Don Smith
Sacramento Neighborhood Development
Planning Commission
1231 I Street #400
Sacramento, CA 95814

Dear Mr. Smith:

This is to confirm that we are allocating Mr. Jerold Lignons, six (6) off-street parking spaces in our parking lot at the corner of 34th Street and Third Avenue. These would be used for his customers from 7:00 a.m. - 3:00 p.m. Monday, Wednesday and Friday beginning July 1, 1998 through November 31, 1998 then March 1, 1999 to resume allocation.

Please do not hesitate to call me with any questions.

Sincerely,


Leslie Elgood
General Manger

PROGRAMS OF SFBS

FOOD LOCKERS
Blake Young, Director

SUNDAY LUNCH
Mario Stefani, Director

CLOTHES CLOSET
Margaret Carpenter, Director

READING CENTER
Craig Usher, Director

HAVENS TRANSITIONAL HOUSING
Sharon Keegan Bernstein, Director

MOTHER-BABY PROGRAM
Cyndi S. Muscat, Director

SENIOR BRIDGE BUILDERS
Dorothee Mull, Director

RECYCLING CENTER
Philip Stoakley, Director

FAMILY LEARNING CENTER
Sr. Jane Golden, Director