

## CITY PLANNING COMMISSION

915 "I" STREET - SACRAMENTO, CALIFORNIA 95814

APPLICANT	J. Michael Wussle - 1333 Lawrence Expressway, Ste. 115, Santa Clara	Ca. 95051
OWNER	Dimas Enterprises - 324 Alhambra, Sacramento, CA	
PLANS BY	Jack Lee Meyer, P.O. Box 520783, Miami, Florida	33152
FILING DATE	11-9-79	50 DAY CPC ACTION DATE ----- REPORT BY: TM:dk
<del>NEGATIVE DEC.</del>	Exempt Sec. 15111	EIR. ASSESSOR'S PCL. NO. 008-441-15

APPLICATION: 1. Environmental Determination  
2. Special Permit to allow parking and Driveway access in an R-1 Zone.

LOCATION: Southeast corner of 53rd Street and Folsom Blvd.

PROJECT INFORMATION:

General Plan Designation: Residential  
East Sacramento Community  
Plan: Light Density Residential  
Existing Zoning of Site: R-1  
Existing Land Use of Site:  
Surrounding Land Use and Zoning: Vacant

North: Commercial, C-2  
South: Residential, R-1  
East: Residential, C-2  
West: Commercial, residential, C-2, R-1

Parking Required: 27                      Parking Provided: 41  
Ratio Required: 1:3 seats              Ratio Provided: 1:2 seats  
Property Dimensions: 40' X 80'  
Area: 3,200 square feet  
Height of structure: 19 feet  
Height of Sign: 35 feet  
Exterior Material: Red Brick, Resawn Plywood  
Street Improvements: Curbs and sidewalks needed

The applicant proposes to construct a Burger King Restaurant on the South East Corner of 53rd Street and Folsom Blvd. The subject site to be utilized for parking is adjacent to this site and is zoned R-1. Applicant wishes to utilize this parcel for parking and driveway access purposes and therefore must request a Special Permit for this use.

STAFF EVALUATION:

The driveway access as indicated in this proposal will impact the adjacent residences as well as the traffic situation on 53rd Street. Fifty-third Street is primarily a narrow residential street serving single family homes. The proposed location of the driveway access on the subject site places this access directly across from two single family residences. Staff is concerned about this driveway causing commercial traffic to circulate into this neighborhood, especially since the Burger King Restaurant hours are 10:30 AM to 11:00 PM. Additionally, the proposed

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alignment of the driveway will create traffic to line up for drive-thru window service adjacent to the interior property lines. Staff notes that this will result in autos waiting in line for drive-up service to be adjacent to the surrounding residences. Staff feels that any such driveway alignment which facilitates this drive up access will create noise, car fumes, and car lights to be reflected into the adjacent residences.

Staff, therefore, suggests that the applicant redesign the site plan so that this drive-thru access is relocated away from the residences. Additionally, staff recommends that this redesign incorporate a 6 foot high masonry or cinder block wall along the interior property lines and that the landscaped area be increased from 5 feet to 10 feet.

The present site plan indicates that the applicant intends to locate a 35 foot high, 10 foot X 10 foot pole sign approximately 45 feet from the south easterly property line. Staff notes that the proposed height and size, as well as location of this sign, are such that it will be visible from the rear or side windows of the adjacent residences. Staff therefore, suggests that this sign be relocated approximately 58 feet north of the southeasterly property line and reduced to 24 feet in height and 6 feet X 8 feet in size (see sign location and size plan).

STAFF RECOMMENDATION:

Staff recommends the following:

1. The Environmental Determination be ratified.
2. The Special Permit to allow parking and a driveway access on an R-1 zoned parcel be denied.

Should the Commission wish to approve the Special Permit, staff suggests that such approval be subject to the following conditions:

Conditions:

1. Driveway access be prohibited within the R-1 zone boundary along 53rd Street.
- \*2. A six foot cinder block wall shall be erected along the interior property lines adjacent to single family.
3. The landscaped areas abutting the interior property lines shall be increased from 5 feet to 10 feet and be planted and maintained with evergreen trees.
- \*4. A detailed landscape irrigation plan shall be subject to review and approval by the Planning Director prior to the issuance of a building permit.
5. All lighting shall be directed away from the adjacent residences.

\*See page 3

- \* 6. The sign shall be located 58+ feet from the southeasterly property line and shall be reduced to 24 feet in height and to a size of 6 feet X 8 feet.

Findings of Fact

1. The Special Permit is not based upon sound principles of land use in that it will permit a driveway access which will result in an undesirable impact on the adjacent residences.
2. Granting of a Special Permit will be detrimental to the public health, safety, and welfare in that:
  - a. It will create adverse circulation impacts on 53rd street, which is primarily a residential street.
  - b. The adjacent residences will be affected by noise, light and air pollution impacts due to the alignment of this proposed access and drive thru facility.
3. The request does not comply with the Land Use Element of the General Plan which states:
  - a. Allocate residential, commercial, industrial and other land uses in such a manner as to result in a desirable urban environment which satisfies the needs of the total community.
  - b. Preserve established residential areas from deteriorating influences.
  - c. Prevent the intrusion of incompatible uses into residential uses throughout the City.

*\*Planning Commission amended conditions & added condition 7:*

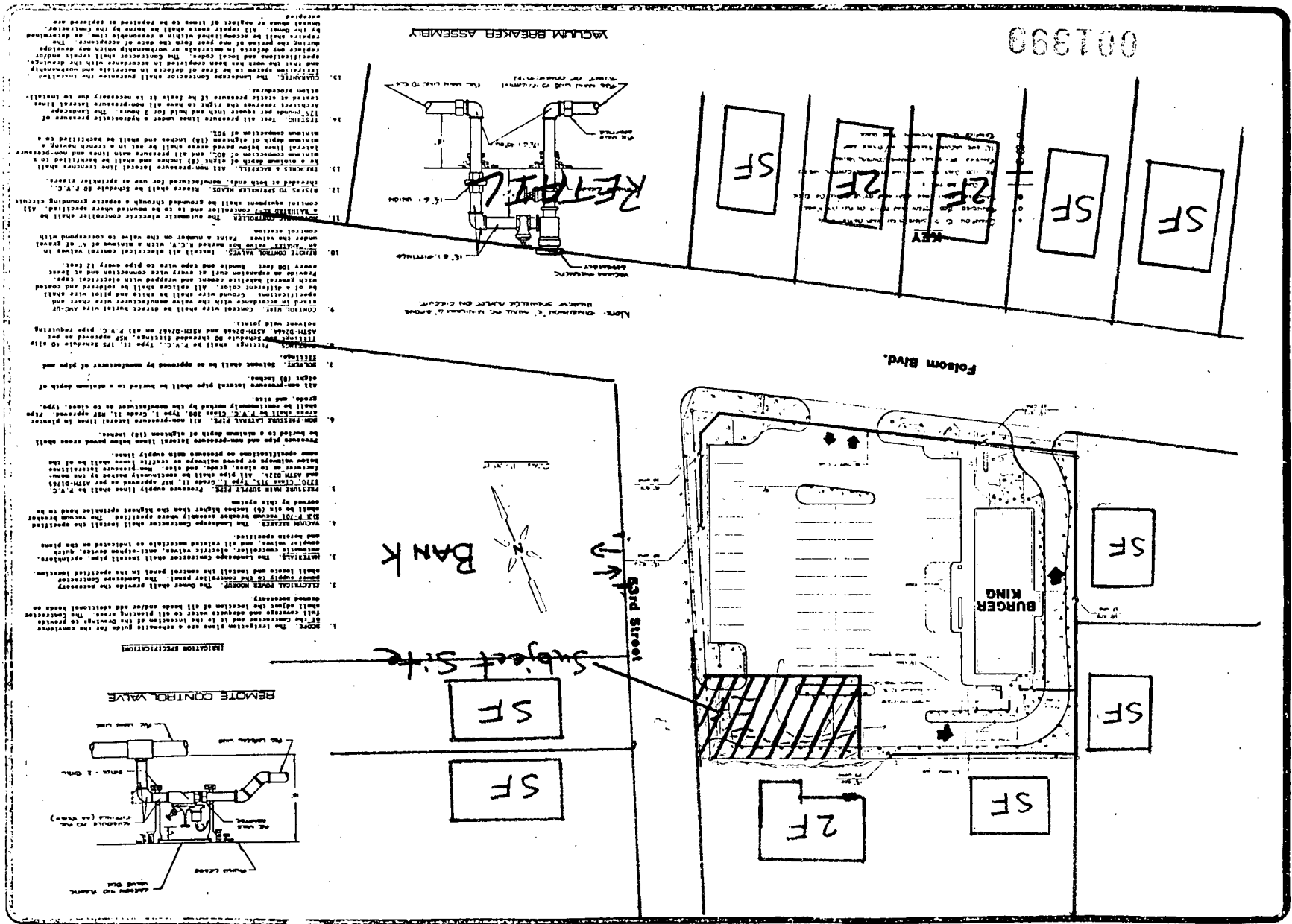
2. *A 6' high wall shall be erected along the interior property line adjacent to single family zones and landscaping shall be provided on both sides of wall.*
4. *A detailed landscape irrigation plan shall be approved by the City Landscape Architect prior to issuance of a building permit; all planters shall be planted with live plant material only.*
6. *A monument sign, not exceeding 6' in height and 4' in width, shall be used in lieu of a pole sign.*
7. *The drive-thru element of the project shall be eliminated.*

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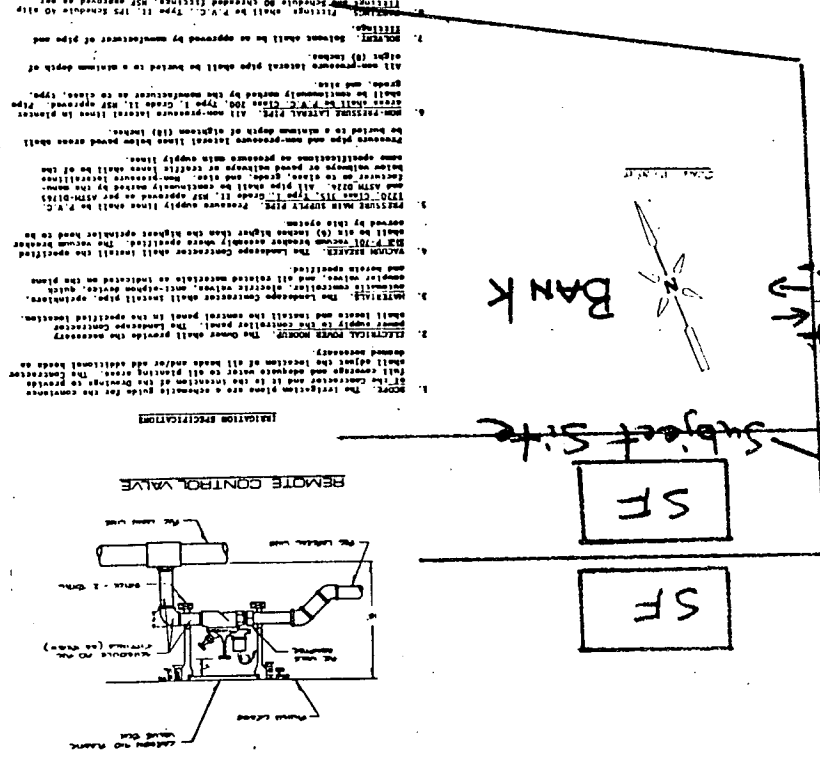
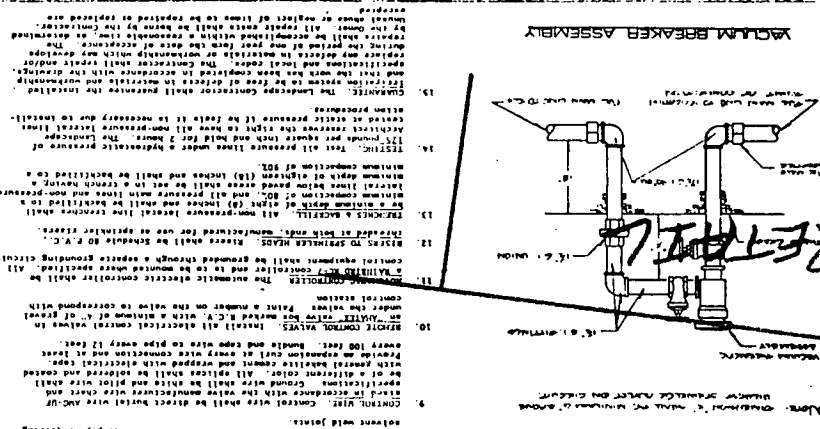
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# Site Plan



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1. The Contractor shall provide a schematic guide for the construction of all piping and equipment in the building. The Contractor shall provide full coverage and protection of all work under and additional notes as deemed necessary.
2. The Contractor shall provide the necessary electrical power to the building. The Contractor shall install and connect all electrical equipment, including electric outlets, switches, and lighting fixtures, in accordance with the specifications and the National Electrical Code (NEC).
3. The Contractor shall install and connect all plumbing fixtures, including sinks, toilets, and showers, in accordance with the specifications and the Uniform Plumbing Code (UPC).
4. The Contractor shall install and connect all gas piping and equipment, including gas furnaces and water heaters, in accordance with the specifications and the National Fuel Gas Code (NFPA 54).
5. The Contractor shall install and connect all mechanical equipment, including air conditioning units and heating systems, in accordance with the specifications and the applicable codes.
6. The Contractor shall provide and install all necessary fire protection equipment, including fire extinguishers and fire alarm systems, in accordance with the specifications and the applicable codes.
7. The Contractor shall provide and install all necessary safety equipment, including handrails and guardrails, in accordance with the specifications and the applicable codes.
8. The Contractor shall provide and install all necessary accessibility equipment, including ramps and elevators, in accordance with the specifications and the applicable codes.
9. The Contractor shall provide and install all necessary energy-efficient equipment, including energy-efficient lighting and appliances, in accordance with the specifications and the applicable codes.
10. The Contractor shall provide and install all necessary environmental control equipment, including ventilation and air filtration systems, in accordance with the specifications and the applicable codes.
11. The Contractor shall provide and install all necessary security equipment, including burglar alarms and access control systems, in accordance with the specifications and the applicable codes.
12. The Contractor shall provide and install all necessary communication equipment, including telephones and data networks, in accordance with the specifications and the applicable codes.
13. The Contractor shall provide and install all necessary audio-visual equipment, including speakers and video displays, in accordance with the specifications and the applicable codes.
14. The Contractor shall provide and install all necessary furniture and fixtures, including desks, chairs, and tables, in accordance with the specifications and the applicable codes.
15. The Contractor shall provide and install all necessary landscaping and site work, including lawns, trees, and walkways, in accordance with the specifications and the applicable codes.

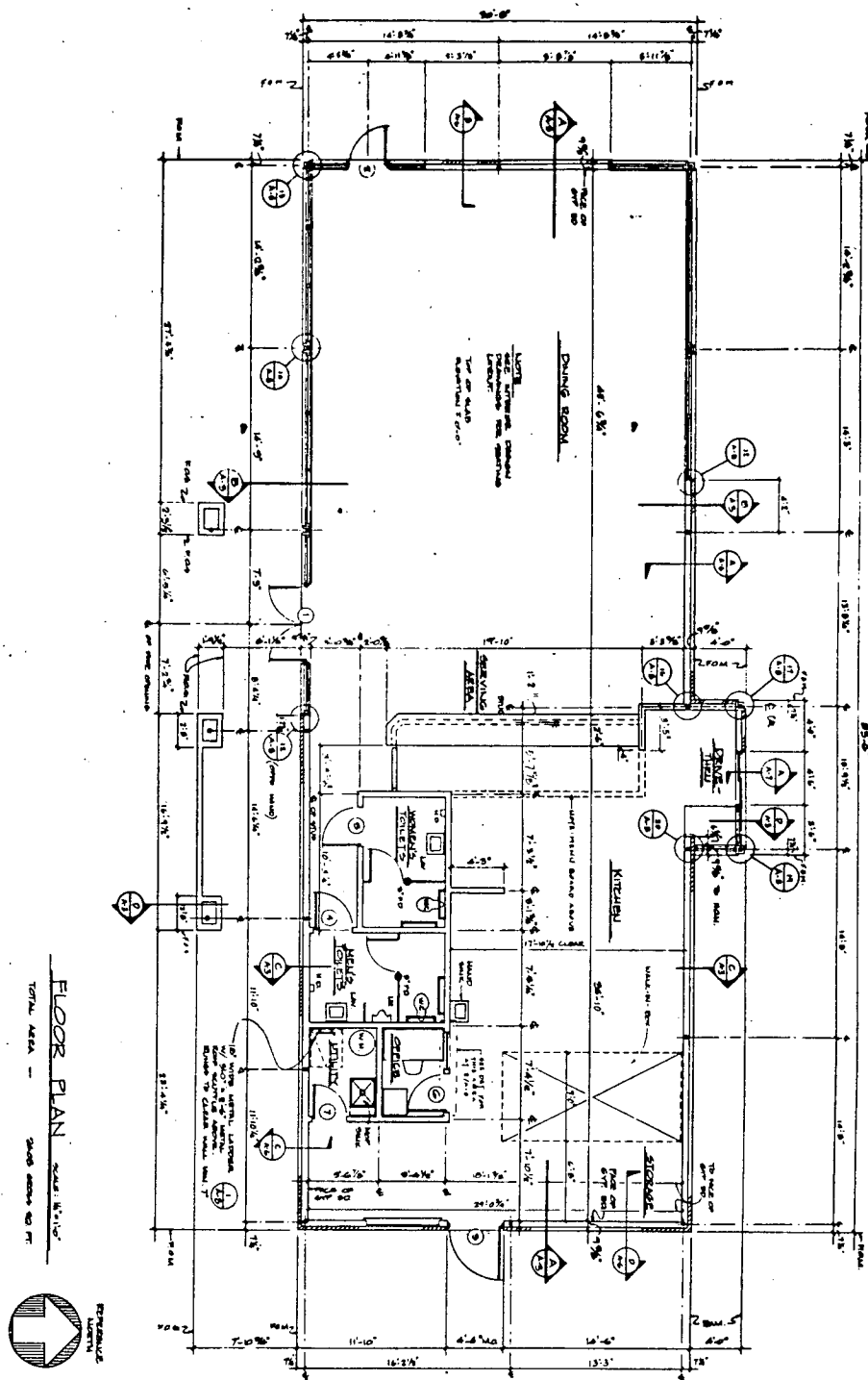
**BURGER KING CORPORATION**

**JACK LEE MEYER**  
PROFESSIONAL ENGINEER

400 WEST 10TH STREET  
DENVER, COLORADO 80202  
PHONE: 333-5555

**L2**





FLOOR PLAN  
TOTAL AREA - 248.10 SQ FT



BK - 76 STL. CALIF. FLOOR PLAN		JACK LEE MEYER PROFESSIONAL ENGINEER	RESTAURANT FOR: 	DRAWN BY: _____ CHECKED BY: _____ DATE: 7.1.74
		P.O. BOX 520763 GENERAL MAIL FACILITY MIAMI, FL 33152 PHONE 305-596-7030 EXT. 720	NOTICE: THIS PLAN IS THE PROPERTY OF JACK LEE MEYER ENGINEERING. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.	

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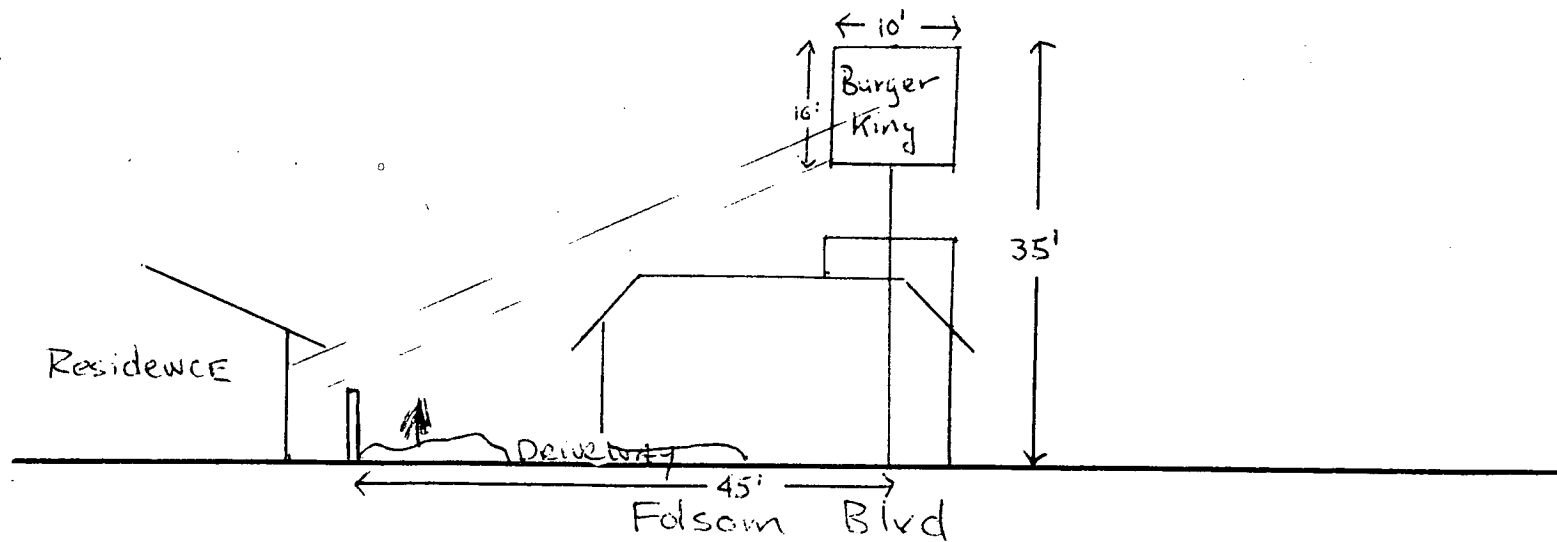
December 13, 1973

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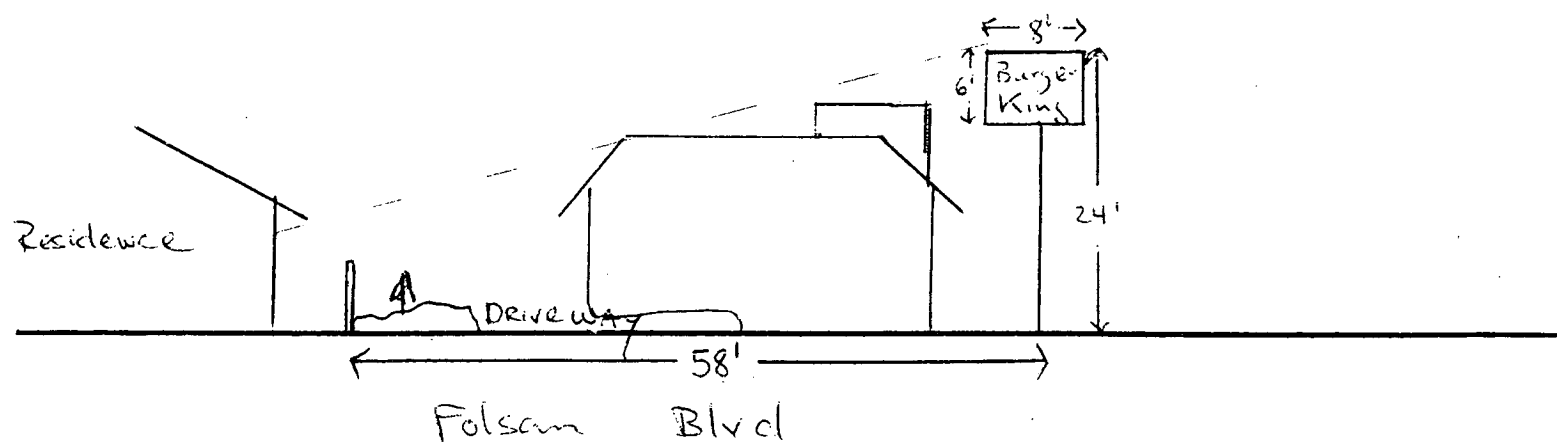
Form 92



Sign location and size AS submitted by Applicant



Sign location and size AS requested by PLANNING Department



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$\frac{1}{6}'' = 1'$

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