

28 September 1981

City Planning  
927 10th Street  
Sacto., Ca. 95814

Attn: Whil Weitman  
Re: withdrawal of  
application P-9499



36  
**Roger Scott Group**

301 N. Twelfth St.  
Sacramento  
California 95814  
tel. 448-6265

Dear Whil:

Please let this letter serve as a formal withdrawal of our submittal No. P-9499 Special Permit regarding The Fish Emporium Restaurant. Since the negative declaration has been appealed by some individual or individuals, we do not feel that we have to defend our project on an environmental bases, nor do we care to fight a battle at the planning commission level. We plan to stay within the constraints of the C1 zone and not ask for any special consideration.

Also, We will supply a copy of this letter to the City Council so that they can be made aware or our application withdrawl.

Sincerely,

Roger Scott

cc. City Council  
Tom Nitopi H2LNS

P-9499

Sept-29, 1981



CITY OF SACRAMENTO

CITY MANAGER'S OFFICE  
**RECEIVED**

SEP 24 1981

CITY PLANNING DEPARTMENT  
725 "J" STREET  
SACRAMENTO, CALIF. 95814  
TELEPHONE (916) 449-5604

MARTY VAN DUYN  
PLANNING DIRECTOR

**FILED**

September 24, 1981  
City Council  
Office of the City Clerk

*Withdrawn*

SEP 29 1981

City Council  
Sacramento, California

Honorable Members in Session:

SUBJECT: Appeal of Environmental Coordinator's Decision to File a Negative Declaration on a Special Permit to Modify Special Permit P-67 in Order to Construct a Driveway, and a Variance to Change a Service for an Existing Restaurant in the Single Family R-1 Zone. (P-9499)

LOCATION: Southeast corner of 38th and J Streets

SUMMARY

The subject project proposes to install a service yard area and relocate a driveway in the R-1 Zone in conjunction with the expansion of a restaurant in the C-1 Zone. The Negative Declaration on the Special Permit and Variance is the subject of the appeal.

The Environmental Coordinator prepared an Initial Study and found the project to have no significant adverse environmental impacts; therefore, a Negative Declaration was filed. Prior to Planning Commission action on the proposed project, an appeal of the Negative Declaration by the East Sacramento Improvement Association was received based on potential adverse impacts by infringement of a commercial use on the existing residential neighborhood by:

- a. Removal of two street trees and elimination of green area;
- b. Objectionable noise and odor from service yard;
- c. Glare in the adjacent apartments from parking lot lighting; and
- d. Safety hazard of 38th Street access.

Staff recommends that the appeal be denied.

BACKGROUND INFORMATION

The proposed project site has a long history through the Planning Department which has contributed to the split zoning configuration. The subject property originally consisted of three parcels. The

corner parcel originally contained a service station and was zoned commercial; Parcel 18 to the rear was a parking area; and Parcel 17 on the south contained a residential structure (see Exhibit A).

Parcel 18 (40 feet by 77 feet), under the old Zoning Ordinance No. 1000-4th Series, was located in the "Retail" Zone and the parking lot was established during the effective period of that ordinance; therefore, it has become a legal non-conforming use. The driveway permit for this parking lot was issued in June, 1953.

On February 10, 1953, the City Planning Commission granted a Special Permit (P-67) to utilize Parcel 17 as a parking lot in conjunction with the adjacent market (Safeway). No time limit was placed on this permit.

add e s 933

On May 25, 1971, the Commission approved the rezoning of Parcels 16, 17, and 18 from R-1 to C-1 in order to construct a new market with additional parking facilities. However, on July 1, 1971, the City Council denied the rezoning.

Subsequently, the abandoned service station was developed with a restaurant with 10 off-street parking spaces (J Street Trolley). The restaurant was then sold and the name was changed to "Fish Emporium". The seating capacity of this restaurant gradually increased from the original 30 seats to approximately 97 seats. The owner of the restaurant then purchased Parcels 17 and 19 from Walker's Liquor and Delicatessen (formerly Safeway) to provide additional customer parking.

In 1979, the owners of the restaurant requested a rezoning of a small portion of Parcel 18 in order to add a freezer-cooler area to the south portion of the building. The proposal, however, received opposition from the East Sacramento Improvement Association and property owners along 38th Street. The owner, therefore, withdrew the rezoning request.

Once again, the restaurant owners have submitted improvement plans for a service yard and driveway realignment which is the subject project at this time. The applicant has submitted two site plan alternatives (see Exhibit B).

The Environmental Coordinator, on August 31, 1981, filed a Negative Declaration on the subject project. The Negative Declaration determination for the subject project is in accordance with State EIR Guidelines, Section 15083, which states:

"A Negative Declaration shall be prepared for a project which could potentially have a significant effect on the environment, but which the lead agency finds on the basis of an Initial Study will not have a significant effect on the environment."

#### APPEAL AND RESPONSES

The following is a discussion of the points of the appeal and staff's response to each point.

1. APPEAL: Removal of two street trees (Sycamore) and elimination of the green area by the driveway realignment will have a serious detrimental impact on the neighborhood.

RESPONSE: The City arborist indicates that the trees are in a weakened state and their removal would not be objectionable. From an environmental standpoint, the loss of the two trees and green area does not constitute a significant impact because the applicant will be providing appropriate replacement landscaping. In addition, the Planning staff is recommending an alternate driveway alignment which could possibly save one or both of these trees (see Exhibit C).

2. APPEAL: Washing and cleaning activities to be performed in the service yard will create significantly more objectionable odors and noise to the neighbors.

RESPONSE: Washing and cleaning activities on the restaurant premises are a matter of requirement by the "Solid Waste Storage and Removal Standards", Title 14, California Administrative Code, Chapter 3, Article 5. The purpose of these standards is to maintain sanitary conditions, and service facilities are a necessity to all restaurant operations. Regular cleaning and washing and waste removal activities may produce brief periods of annoying noise; however, such activities serve to mitigate odors and maintain sanitary conditions. Therefore, avoiding these activities will produce a more objectionable impact on the neighborhood. Any noise generation for the subject site is not anticipated to exceed that allowed by the noise ordinance.

3. APPEAL: The proposed parking lot lighting will have a significant harmful affect on the sleep of neighbors.

RESPONSE: The project architect indicates that the security lighting provided in the parking lot will be low level lights on approximately six-foot high poles. The light will be directed downward and away from the adjacent apartment buildings. Therefore, any new lighting or glare should be minimal and does not constitute an adverse significant impact.

4. APPEAL: The realigned driveway will increase the speed of cars as they exit and enter off 38th Street. This is a health and safety issue.

RESPONSE: No substandard evidence exists to support the appellant's statement. The applicant proposes to relocate the driveway approximately 25 feet to the south in order to provide space for the service yard addition and improve the overall parking design and vehicular circulation. Staff concurs that the proposed parking lot design would improve circulation and maneuvering between the subject parking lot and the adjacent parking lot to the east. Improvements in circulation and maneuvering should increase safety and lessen potential hazardous situations.

Staff concludes that the grounds for the appeal of the Negative Declaration are insufficient and the filing of the Negative Declaration is justified because there are no significant adverse environmental impacts associated with this proposed project.

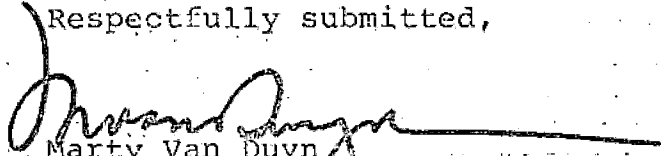
Attached to this report for the Council's information are:

- Exhibit A - Subject Site
- Exhibit B - Project Site Plan
- Exhibit C - Staff Proposal
- Exhibit D - Zoning Map of Area
- Exhibit E - Negative Declaration
- Exhibit F - Appeal

RECOMMENDATION


The staff recommends that the City Council deny the appeal based on the attached findings of fact.

Respectfully submitted,



Marty Van Duyn  
Planning Director

RECOMMENDATION APPROVED:



Walter J. Slipe, Jr.  
City Manager

MVD:JH:jm  
Attachments  
P-9499

September 29, 1981  
District No. 3

In the matter of an appeal by )  
the East Sacramento Improvement )  
Association of the Environmental )  
Coordinator's decision to file a )  
Negative Declaration on the Spe- )  
cial Permit to modify Special )  
Permit P-67 in order to cons- )  
struct a driveway and Variance )  
to change a non-conforming use )  
to develop a service yard for an )  
existing restaurant in the Single )  
Family R-1 Zone located on the )  
southeast corner of 38th and J )  
Streets P-9499 )

NOTICE OF DETERMINATION  
AND  
FINDINGS OF FACT

The City Council, having held a public hearing on September 29, 1981, and having reviewed and considered the oral and written evidence presented and received at said hearing, the Initial Study, and City staff report, hereby denies the appeal, affirms and approves the Negative Declaration, and finds as follows:

1. The Initial Study is adequate and complete and in compliance with provisions of the California Environmental Quality Act, the State EIR Guidelines, and Sacramento City Environmental procedures.
2. The Initial Study did not identify any significant adverse environmental effects on the neighborhood which may result from the proposed project.
3. The proposed project is consistent with the overall policies, goals, and objectives of the 1974 General Plan, 1963 East Sacramento Community Plan, and the Comprehensive Zoning Ordinance of the City of Sacramento.

.....  
\_\_\_\_\_  
MAYOR

ATTEST:

.....  
\_\_\_\_\_  
CITY CLERK

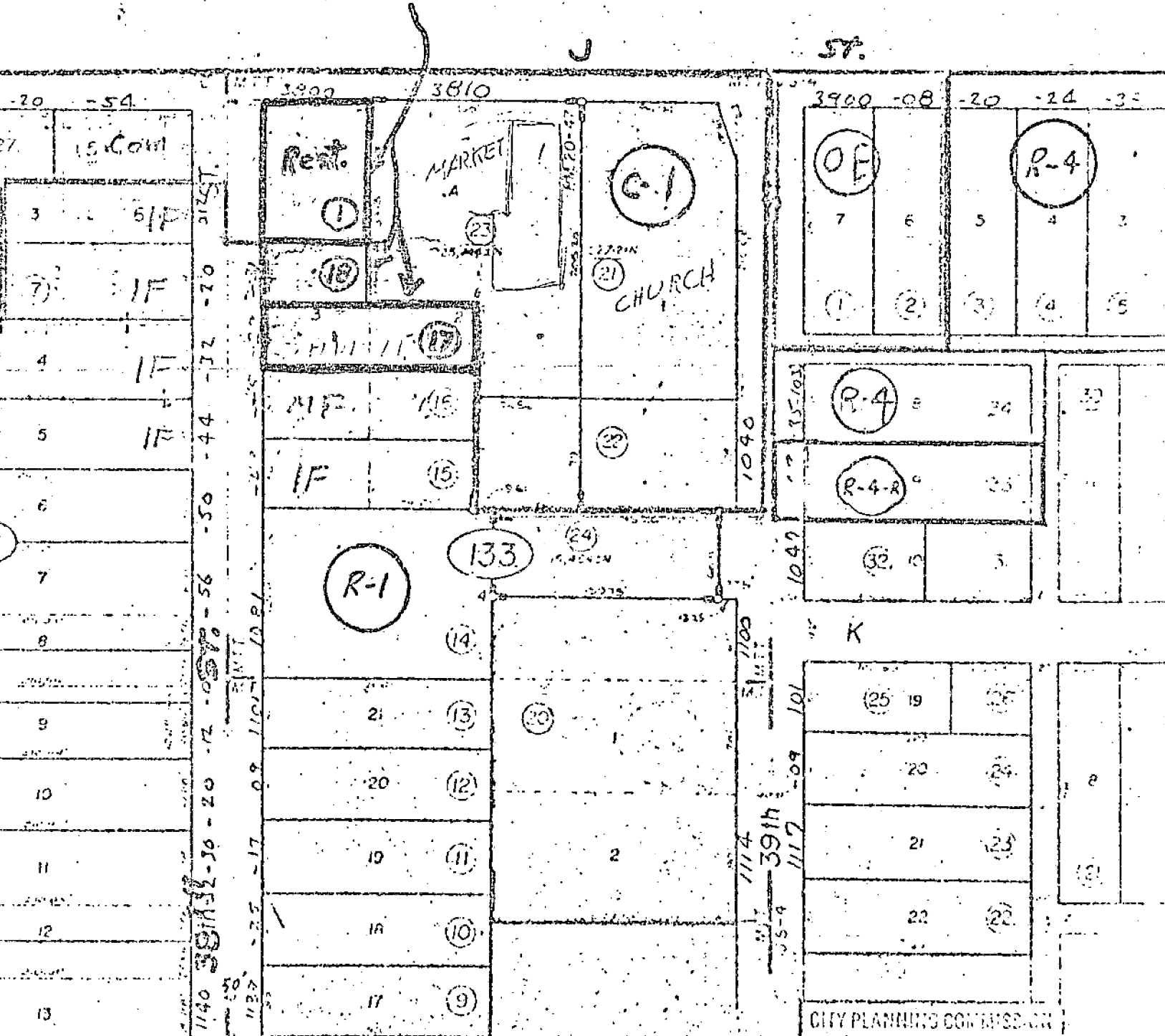
P-9499

EMONT, J ST. SUBURBAN TR. 4, MARY TULLAR TR, MEISTER TR.,  
 WRIGHT & KIMBROUGH TR. 24 & YELLS ADD.

03

39th ST

SUBJECT SITES

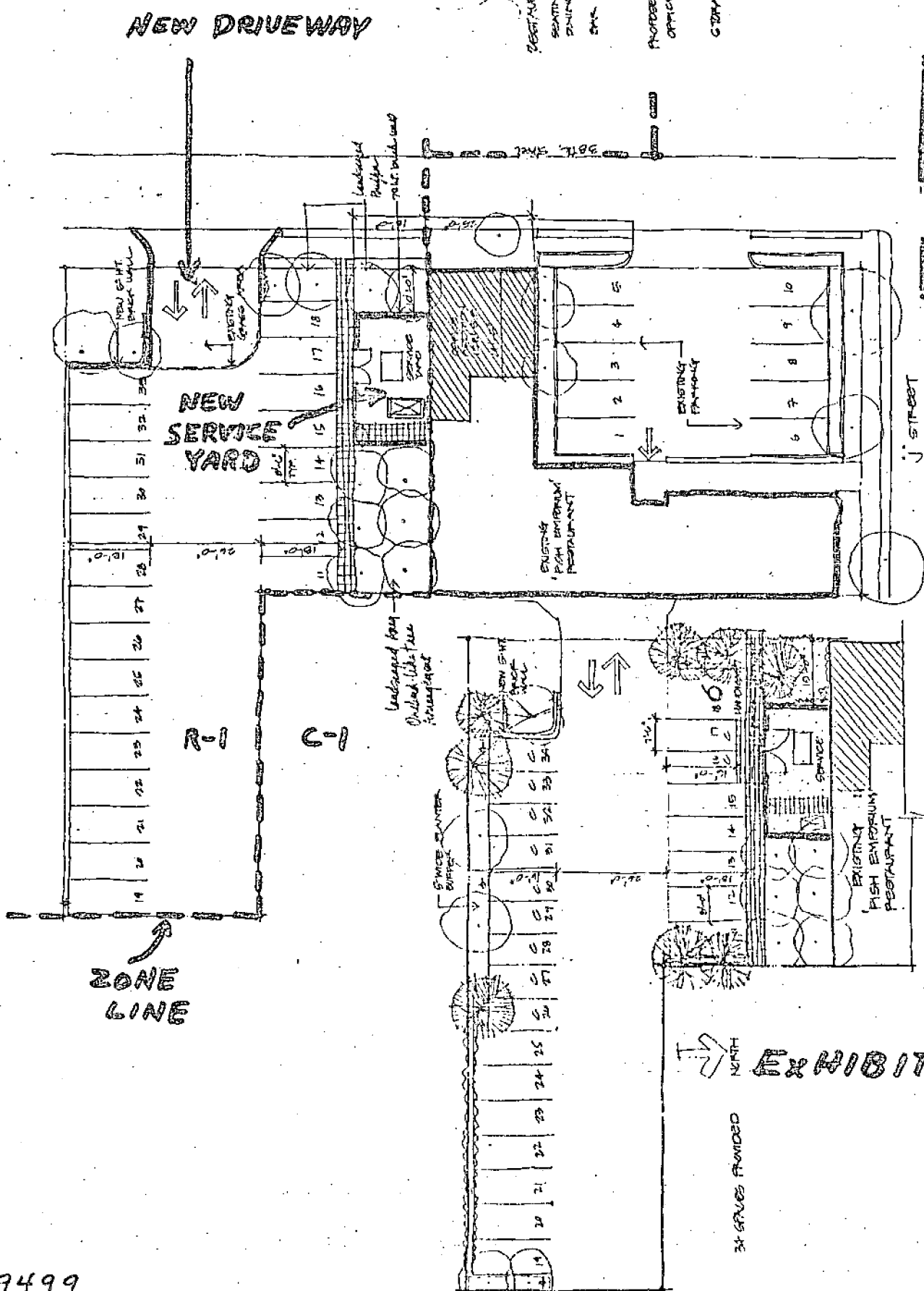


CITY PLANNING COMMISSION  
 RECEIVED  
 FEB 7 1975

P-8999

10-11-79  
 ORIGINAL PARCELS  
 EXHIBIT A

6



NEW DRIVEWAY

NEW SERVICE YARD

R-1

C-1

ZONE LINE

ExHIBIT B-1

34 SPACES PROVIDED

ALTERNATE SITE PLAN #2  
NEW PARKING SPACES - CONFORM TO  
SPACES  
DATE 11-10-0

SITE PLAN #A  
DATE 11-10-0

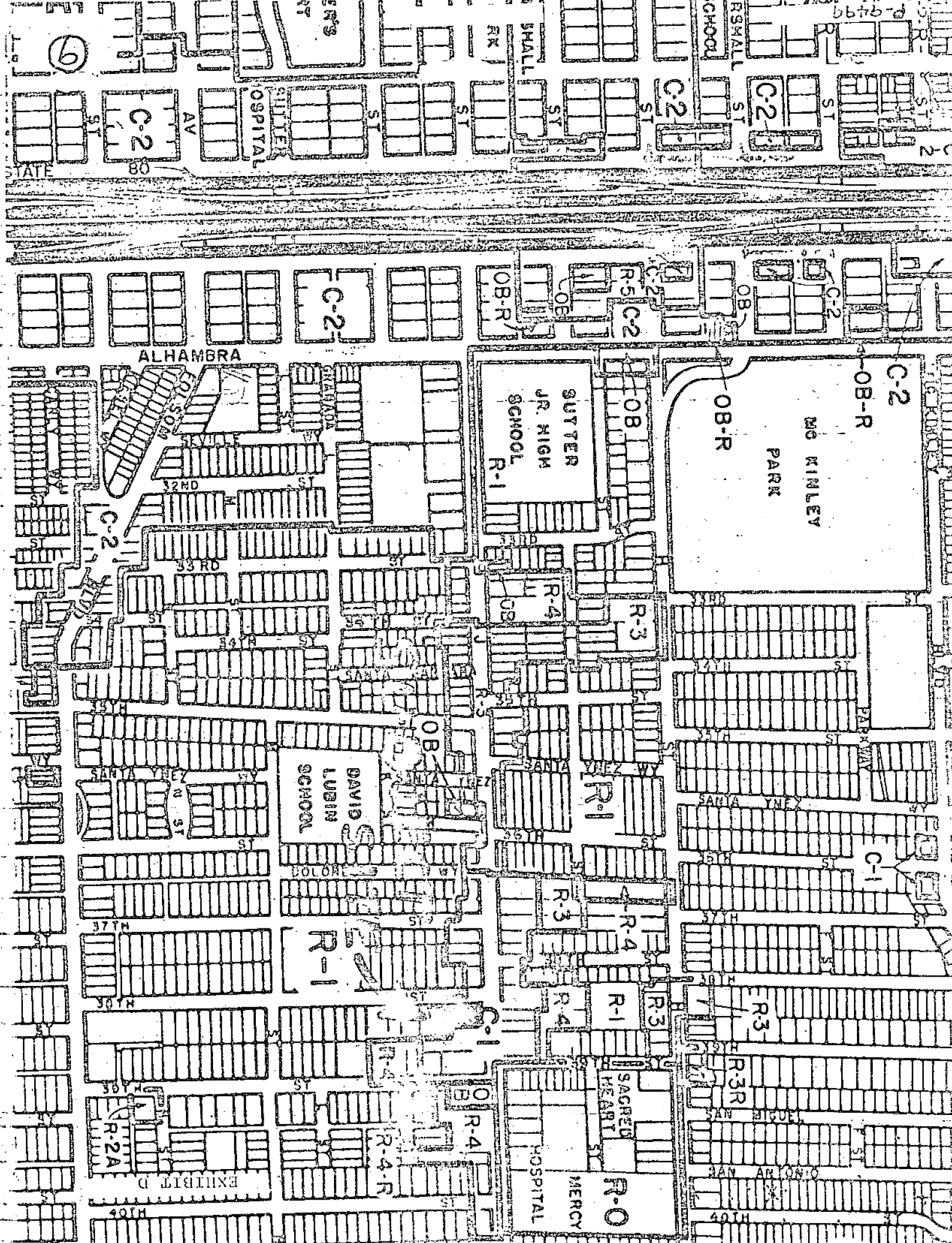
J STREET

RESTAURANT	268 SF	PROPOSED ADDITION	400
SEATING	60	OFFICE	72
DRINK	30	STORAGE	713 SF
SMK	30		1000
	90		315 REQUIRED
			330 PROVIDED

EXHIBIT B II







6

STATE

80

ALHAMBRA

C-2

33 RD

DAVID LUBIN SCHOOL

R-1

SUTTER JR. HIGH SCHOOL

R-1

SACRED HEART HOSPITAL  
R-0

OB-R

MO KINLEY PARK

OB-R

C-2

SANTA YNEX

C-1

R-3

R-3

R-3

SAN ANTONIO

EXHIBIT D

H104

H104





CITY OF SACRAMENTO

Planning Department
725 J Street
Sacramento, CA 95814
Tel. 916 - 449-5604

INITIAL STUDY

BACKGROUND

- 1. Name of Proponent: Roger Scott Group
2. Address and Phone Number of Proponent: 301 N. 17th Street, Sacramento, CA 95814, 446-9255
3. Date of Checklist Submitted: 31 AUG 81
4. Agency Requiring Checklist: Sacramento City Plan. Dept.
5. Name of Proposal, if applicable: P-2000

ENVIRONMENTAL IMPACTS

(Explanations of all "yes" and "maybe" are provided)

Table with 3 columns: YES, MAYBE, NO. Rows include Earth impacts (a-g) and Air impacts (a-c).

Table with 3 columns: YES, MAYBE, NO. Rows include Water impacts (a-f) and Animal Life impacts (a-b).

12

	YES	MAYBE	NO		YES	MAYBE	NO
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	—	—	✓	e. Alterations to waterborne, rail or air traffic?	—	—	✓
d. Deterioration to existing fish or wildlife habitat?	—	—	✓	f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	—	—	✓
6. <u>Noise</u> . Will the proposal result in:				14. <u>Public Services</u> . Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:			
a. Increases in existing noise levels?	—	—	✓	a. Fire protection?	—	—	✓
b. Exposure of people to severe noise levels?	—	—	✓	b. Police protection?	—	—	✓
7. <u>Light and Glare</u> . Will the proposal produce new light or glare?	—	—	✓	c. Schools?	—	—	✓
8. <u>Land Use</u> . Will the proposal result in a substantial alteration of the present or planned land use of an area?	—	—	✓	d. Parks or other recreational facilities?	—	—	✓
9. <u>Natural Resources</u> . Will the proposal result in:				e. Maintenance of public facilities, including roads?	—	—	✓
a. Increase in the rate of use of any natural resources?	—	—	✓	f. Other governmental services?	—	—	✓
b. Substantial depletion of any nonrenewable natural resource?	—	—	✓	15. <u>Energy</u> . Will the proposal result in:			
10. <u>Risk of Upset</u> . Does the proposal involve a risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?	—	—	✓	a. Use of substantial amounts of fuel or energy?	—	—	✓
11. <u>Population</u> . Will the proposal alter the location, distribution, density, or growth rate of the human population?	—	—	✓	b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?	—	—	✓
12. <u>Housing</u> . Will the proposal affect existing housing, or create a demand for additional housing?	—	—	✓	16. <u>Utilities</u> . Will the proposal result in a need for new systems, or substantial alterations to the following utilities:			
13. <u>Transportation/Circulation</u> . Will the proposal result in:				a. Power or natural gas?	—	—	✓
a. Generation of substantial additional vehicular movement?	—	—	✓	b. Communications systems?	—	—	✓
b. Effects on existing parking facilities, or demand for new parking?	—	—	✓	c. Water?	—	—	✓
c. Substantial impact upon existing transportation systems?	—	—	✓	d. Sewer or septic tanks?	—	—	✓
d. Alterations to present patterns of circulation or movement of people and/or goods?	—	—	✓	e. Storm water drainage?	—	—	✓
				f. Solid waste and disposal?	—	—	✓
				17. <u>Human Health</u> . Will the proposal result in:			
				a. Creation of any health hazard or potential health hazard (excluding mental health)?	—	—	✓
				b. Exposure of people to potential health hazards?	—	—	✓

2/4

	YES	MAYBE	NO
18. <u>Aesthetics</u> . Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	—	—	✓
19. <u>Recreation</u> . Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?	—	—	✓
20. <u>Archaeological/Historical</u> . Will the proposal result in an alteration of a significant archaeological or historical site, structure, object or building?	—	—	✓
21. <u>Mandatory Findings of Significance</u> .			
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	—	—	✓
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)	—	—	✓
c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)	—	—	✓
d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	—	—	✓

DISCUSSION OF ENVIRONMENTAL EVALUATION

The applicant's Environmental Questionnaire is attached as supplemental information.

DETERMINATION

On the basis of this initial evaluation:

- I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION WILL BE PREPARED.
- I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Date 31 AUG 81

J. Johnson  
(Signature)

13

## REFERENCES

- Sacramento City General Plan and EIR, 1974  
Sacramento City Zoning Ordinance, November 1978  
Sacramento City Floodplain Ordinance, 1978  
Sacramento City American River Parkway Plan, 1975  
Sacramento City Bikeway Plan and EIR, 1976  
Sacramento River Parkway Plan, 1975  
SRAPC Regional Land Use Plan 2001, 1976  
SRAPC Regional Energy Conservation Plan, 1977  
SRAPC Regional Transportation Plan, 1977  
SRAPC Air Quality Maintenance Plan, 1978  
Sacramento Central City 1990 Comprehensive Plan EIR, 1977  
Sacramento South Pocket Specific Plan and EIR, 1977  
Sacramento South Natomas Community Plan and EIR, 1978  
Sacramento Delta Shores PUD EIR, 1979  
Sacramento Old City- A Preservation Program, 1977  
Seven Lakes PUD Negative Declaration, 1977  
Capitol Park Project EIR, 1974  
Commercial Development in the Point West PUD (Woolco) EIR, 1977  
Discovery Oaks Residential Development Negative Declaration, 1977  
Johnston Industrial Park Unit #4 EIR, 1976  
Meadow Gate I and II EIR, 1974  
Norwood/ I-880 Industrial Park EIR, 1975  
River City Commons Negative Declaration, 1977  
Tsakopoulos Borrow Operation Draft EIR, 1976  
Tsakopoulos Mobile Home Park EIR, 1975  
University Park Negative Declaration, 1979
- Sacramento County Environmental Studies: Methods for Environmental Management, Vol I; Sacramento County's Physical Environment, Vol. II, 1972
- At the Crossroads, A Report on California Endangered and Rare Fish and Wildlife. California Resources Agency and Department of Fish and Game, 1972
- Soils of Sacramento County, CA. Walter Weir, Divisions of Soils, U.C. Berkeley, 1950
- Eleventh Progress Report on Trip Ends Generation Research Counts, California Department of Transportation, 1976



CITY OF SACRAMENTO

Planning Department
725 "J" Street
Sacramento, CA 95814
Tel. 916 - 449-5604

ENVIRONMENTAL QUESTIONNAIRE

This document is part of an Initial Study that will facilitate environmental assessment by identifying potentially adverse environmental impacts and analyzing proposed mitigation measures that may reduce significant environmental impacts. More definitive and factual information will assist the Planning Department in evaluating the project's impacts. Additional information may be required to complete an Initial Study.

FOR OFFICE USE ONLY

CPC No. P-9499 Rec'd. by W/W On CPC Hearing Date 9-10-81
Gen. Plan (Exist) COMM. + C.P.C.
Amend to:
Comm. Plan (Exist) Shopping + C.P.C. + COMM.
Amend to:
Rezone
Special Permit
Variance
Subdivision Modification
Tentative Map
Other

\* PLEASE PRINT OR TYPE \*

PROJECT PROPOSAL: ADDITION OF STORAGE, REFRIGERATION, AND SUPPORT OFFICE FOR THE FISH EMPORIUM RESTAURANT.

PROJECT ADDRESS: 3800 "J" STREET

Assessor's Parcel No. 008-133-25

OWNER: H2LNS (TOM NITOP) 446.3045 Telephone

Mailing Address: SACTO, (Zip Code) City

APPLICANT/AGENT: ROGER A SCOTT GROUP Telephone

Mailing Address: 301 N. 12TH STREET SACTO, 95814 (Zip Code) City

USE A SEPARATE SHEET, IF NECESSARY, TO EXPLAIN ANY OF THE FOLLOWING:

- I. Existing Conditions:
A. Project Land Area (sq. ft. or acres) 17,325 S.F.
B. Project Parcel: Present Zoning C-1 & R-1 Proposed SAME
C. Project Site Land Use: Undeveloped (vacant) Developed X
If developed, briefly describe extent (type & use of structures: photograph acceptable) FISH EMP. REST. & PARKING.

D. Existing surrounding land uses & zoning within 300 feet (type, intensity, height, setback)

Table with 2 columns: Land Use, Zoning. Rows: North (RETAIL, C-1), South (APTS., R-1), East (RETAIL, C-1), West (RETAIL, C-1)



- II. A. Slope of Property: \*  Flat or Sloping       Rolling  
 Hilly       Steep  
\*Submit contour map, or show contours on site plan.
- B. Are there any natural or man-made drainage channels through or adjacent to the property: NO. If yes, show on site plan and explain: \_\_\_\_\_
- C. Describe changes in site contours resulting from site grading plans: NONE
- D. Type and amount of soil to be moved: NONE  
Location moved to or from: \_\_\_\_\_

- III. A. Number, location and type of existing trees on project parcel. (show on site plan) STREET TREES ONLY. CITY PROPERTY
- B. Number, size, type, and location of trees being removed (show on site plan) NONE

- IV. A. Number and type of structures to be removed as a result of the project: \*\* NONE
  - B. Are any structures occupied? YES. If yes, how many REST. ①
  - C. If residential units are being removed, indicate number of dwelling units included: N.A.
- \*\* Show all structures on site plan by type, and whether occupied. Also indicate those to be removed.

- V. A. Will the project require the extension of or new municipal services: i.e.,

Water	No	<input checked="" type="checkbox"/>	Yes		City/County Health	No	<input checked="" type="checkbox"/>	Yes
Sewer	No	<input checked="" type="checkbox"/>	Yes		Police	No	<input checked="" type="checkbox"/>	Yes
Drainage	No	<input checked="" type="checkbox"/>	Yes		Fire	No	<input checked="" type="checkbox"/>	Yes
Parks	No	<input checked="" type="checkbox"/>	Yes		School	No	<input checked="" type="checkbox"/>	Yes
					Waste Removal	No	<input checked="" type="checkbox"/>	Yes
- B. If any of the above are "yes", then submit report detailing how adequate capacity will be achieved. If "no", then submit clearance memo from appropriate agency/department (use copies of attached form)<sup>1</sup>.

- VI. Project Characteristics
  - A. Building size (in sq. ft.) 1081 S.F.
  - B. Building height PENTON 20' HT.
  - C. Building site plan:

(1)	building coverage	<u>19.3</u>	%
(2)	landscaped area	<u>22.2</u>	%
(3)	surfaced area	<u>58.5</u>	%
Total, .....		100%	
  - D. Exterior Building colors <sup>2</sup> BRICK (NATURAL), WOOD (STAINED)
  - E. Exterior Building materials <sup>2</sup> METAL (GRAY)

<sup>1</sup>If waiver form is signed, clearance(s) from agency/department is not necessary for "no" answers at this time.  
<sup>2</sup>Must also be shown on submitted plans.

- F. 1. Proposed construction starting date NOV. 1981  
estimated completion date FEB 1982
- 2. Construction phasing (if the project is a component of an overall larger project, describe the future phases or extension. Show all phases on site plan). N.A.
- G. Total number of parking spaces required 32 Provided 34
- H. What type of exterior lighting is proposed for the project (height, intensity): Building area: VANIES EXISTING  
Parking area: 10' ht. medium intensity
- I. Estimate the total construction cost for the project 75,000.

VII. Residential Project - ONLY!

Total Dwelling Units \_\_\_\_\_

Total Lots \_\_\_\_\_

- A. Number of dwelling units:  
Single family \_\_\_\_\_ Two Family \_\_\_\_\_  
Multiple family \_\_\_\_\_ Condominium \_\_\_\_\_
- B. Number of dwelling units with:  
One bedroom \_\_\_\_\_ Two bedrooms \_\_\_\_\_  
Three bedrooms \_\_\_\_\_ Four or More Bedrooms \_\_\_\_\_
- C. Approximate price range of units: \$ \_\_\_\_\_ to \$ \_\_\_\_\_
- D. Number of units for Sale \_\_\_\_\_ Rent \_\_\_\_\_

VIII. Commercial, Industrial, Institutional, or other project (if project is only residential, do not answer this section).

- A. Type of use(s) RESTAURANT  
Oriented to: Regional \_\_\_\_\_ City X Neighborhood \_\_\_\_\_
- B. Hours of operation 11:00 A.M to 12:00 - 1:00 AM.
- C. If fixed seats involved, how many 90
- D. If assembly area without fixed seats, state designed capacity:  
Sq. Ft. of sales area \_\_\_\_\_  
Describe loading facilities \_\_\_\_\_
- E. Total number of employees ~~70~~ 70
- F. Anticipated number of employees per shift 9 SHIFT
- G. Community benefits derived from the project A FINE  
FOOD RESTAURANT

IX. A. Why is the project justified now rather than reserving the option for other alternatives in the future? (e.g. economic condition, community demand) THE STORAGE OFFICE

SUPPORT FACILITIES ARE NECESSARY FOR THE RESTAURANT TO FUNCTION PROPERLY.

B. Objectives of proposed project. SAME AS ABOVE

C. If this project is part of another project for which a Negative Declaration of EIR has been prepared, reference the document below (include date and project number if applicable).

NO

D. List any and all other public approvals required for this project. Specify type of permit or approval, agency/department, address, person to contact, and their telephone number.

NONE

<u>Permit or Approval</u>	<u>Agency</u>	<u>Address</u>	<u>Contact Person</u>	<u>Phone No.</u>

X. To the best of the applicant's knowledge, evaluate the project's impacts in regard to the following questions:

A. Will the Project:	No	Yes	If yes, discuss degree of effect
1. Be located in or near an environmental or critical concern area (i.e. American or Sacramento River; scenic corridor; gravel deposits or pits; drainage canal, slough or ditch; existing or planned parks, lakes, airports)? .....	X		
2. Directly or indirectly disrupt or alter an archaeological site over 200 years old; an historic site, building, object or structure?.....	X		
3. Displace, compact, or cover soils?.....	X		
4. Be developed upon fill or unstable soils?.	X		
5. Reduce "prime" agricultural acreage?.....	X		
6. Affect unique, rare or endangered species of animal or plant?.....	X		
7. Interfere with the movement of any resident or migratory fish or wildlife species (e.g. birds, anadromous fish, etc.?.....	X		
8. Change the diversity of species, change the number of any species or reduce habitat of species (e.g. fish, wildlife or plants)?...	X		
9. Modify or destroy any unique natural features (e.g. mature trees, riparian habitat)? .....	X		
10. Expose people or structures to geologic hazards (e.g. earthquakes, ground failures or similar hazards)? .....	X		
11. Alter air movement, moisture, temperature, or change climate either locally or regionally? .....	X		
12. Cause flooding, erosion or siltation which may modify a river, stream or lake? .....	X		
13. Change surface water movement by altering the course or flow of flood waters? .....	X		
14. Alter existing drainage patterns, absorption rate or rate and amount of surface water runoff? .....	X		
15. Alter surface water quality (e.g. temperature, dissolved oxygen or turbidity)? .....	X		
16. Interfere with an aquifer by changing the direction, rate, or flow of groundwater? ...	X		

X. A. Will the Project: (contd.)

	No	Yes	If yes, discuss degree of effect
17. Encourage activities which result in the increased consumption of water or use of water in a wasteful manner? .....	X		
18. Contribute emissions that may violate existing or projected ambient air quality standards? .....	X		
19. Expose sensitive receptors (children, elderly, schools, hospitals) to air or noise pollutants? .....	X		
20. Increase the existing noise levels (traffic or mechanical) or adversely impact adjacent areas with noise?.....	X		
21. Generate additional vehicular traffic beyond the existing street capacity thus creating a traffic hazard or congestion on the immediate street system, or alter present circulation patterns? .....	X		
22. Increase traffic hazards to motor vehicles, bicyclists or pedestrians?.....	X		
23. Affect existing parking facilities or generate demand for additional parking?....	X		
24. Affect existing housing or generate a demand for additional housing?.....	X		
25. Induce substantial growth or alter the location distribution, density or growth rate of the human population of an area?	X		
26. Result in the dislocation of people?....	X		
27. Result in a substantial alteration of the present or planned land use of an area?.	X		
28. Increase demand for municipal services (police, fire, solid waste disposal, schools, parks, recreation, libraries, water, mass transit, communications, etc.	X		
29. Require the extension or modification of water, storm drainage or sewer line/plant capacity to serve the project at adequate service levels? .....	X		
30. Produce significant amounts of solid waste or litter? .....	X		
31. Violate adopted national, state, or local standards relating to solid waste or litter control? .....	X		

X.A. Will the Project: (Contd).

	No	Yes	If yes, discuss degree of effect
32. Involve the use, storage or disposal of potentially hazardous material such as toxic, flammable, or explosive substances, pesticides, chemicals or radioactive materials? .....	X		
33. Encourage activities which result in the use of large amounts of fuel or energy, use fuel or energy in a wasteful manner, or substantially increase consumption (of electricity, oil, natural gas)?.....	X		
34. Increase the demand upon existing energy distribution network (SMUD, PG&E)? .....	X		
35. Obstruct a scenic view open to the public or create an aesthetically offensive site open to public view? .....	X		
36. Have substantially, demonstrable negative aesthetic effect? .....	X		
37. Disrupt or divide the physical arrangement of an established community? .....	X		
38. Have any significant impact upon the existing character of the immediate area(i.e. scale, patterns, impair integrity of neighborhoods, etc. ....	X		
39. Have any detrimental effect on adjoining areas or neighboring communities during an/or after construction? .....	X		
40. Generate dust, ash, smoke fumes, or create objectionable odors in the project's vicinity? .....	X		
41. Produce glare or direct light where it is not intended? .....	X		
42. Expose people to or create any health hazard or potential health hazard (excluding mental health)? .....	X		
43. Affect the use of or access to existing or proposed recreational area or navigable stream? .....	X		
44. Conflict with recorded-public easements for access through or use of property with in this project? .....	X		
45. Result in an impact upon the quality or quantity of existing recreational opportunities? .....	X		
46. Conflict with established recreational, educational, religious or scientific uses of the area? .....	X		(21)

X... A. Will the Project: (Contd)

	No	Yes	If yes, discuss degree of effect
47. Generate public controversy? .....		X	SEE ENCLOSURES
48. Conflict with adopted plans and environmental goals of the City (i.e. general, specific, community plans or elements)?	X		
49. Have the potential to degrade the quality of the environment (i.e. land, air, water, plants, animals)? .....	X		
50. Achieve short-term environmental goals to the disadvantage of long-term environmental goals (e.g. leap-frog development or urban sprawl)? .....	X		
51. Have a cumulative impact on the environment when related to existing or future projects? .....	X		
52. Have environmental effects which will cause adverse effects on human beings, either directly or indirectly? .....	X		

B. List any and all mitigation measures proposed to reduce environmental impacts (as identified in the above questions) for the project.  
NONE REQUIRED.

C. List proposed measures to limit or reduce consumption of energy.  
IF THE PROJECT IS ACCEPTED SOLAR DESIGN ELEMENTS ARE PLANNED FOR PASSIVE SOLAR AND ACTIVE DOMESTIC HOT WATER.

D. Are there alternatives to the project which would eliminate or reduce an adverse impact on the environment (lower density, change in land use, move building on site, no project, etc.)?  
NONE

NOTE: Yes or no answers do not necessarily imply that an EIR will be required for this project.

I hereby state that, to the best of my knowledge, the above answers and statements are true and complete.

July 31, 1981  
DATE

[Signature]  
SIGNATURE

ENVIRONMENTAL QUESTIONNAIRE

X. A.

47. Will the project generate public controversy?

Public controversy will come from persons neighboring the project, because they are interested in closing the 38th St. access to subject property. However, a majority of the public is in favor of the project.



NOTICE OF APPEAL  
OF THE  
DECISION OF THE ENVIRONMENTAL COORDINATOR

EXHIBIT F  
CITY PLANNING COMMISSION

SEP 10 1981

RECEIVED

TO THE SACRAMENTO CITY COUNCIL:

I do hereby make application to appeal the decision of the Environmental Coordinator of:

- Filing a Negative Declaration
- Requirement of an Environmental Impact Report
- Other \_\_\_\_\_

For (P-9499)

\*PLEASE TYPE OR PRINT\*

PROJECT PROPOSAL: P-9499 - Special Permit and variance to develop a commercial service yard in a single family R-1 zone. Loc: SE corner of 38<sup>th</sup> & J APN 003-133-25

PROJECT ADDRESS: 38<sup>th</sup> & J

Assessor's Parcel No. APN 003-133-25

OWNER: Tom Nitopi, Roger Scott, etc (AZLNS)

Mailing Address: 3800 J St. City 95816 phone (zip code)

APPLICANT/AGENT: Roger Scott Group

Mailing Address: 301 N 12<sup>th</sup> St. City 95814 phone (zip code)

GROUND FORS APPEAL: (Explain in Detail and use a separate sheet if necessary)

See attachment

APPELLANT: East Sacramento Improvement Assoc. 3224641 phone

Mailing Address: 1044 38<sup>th</sup> St. City 95816 (zip code)

APPELLANT SIGNATURE: [Signature] Vice Pres Date: 9/10/81

FILING FEE: \$40.00 & Receipt No. 417 Date Received 9-10-81 By [Signature]

RECEIVED BY CITY CLERK (DAY/TIME STAMP)

Rev. 7/80

(24)

SEP 10 1981

RECEIVED

Sept 10, 1981

The East Sacramento Improvement Association appeals the Negative Declaration of the environmental impact of Roger Scott's application for a special permit and variance for a service yard in a single family R-1 zone at the corner of 38<sup>th</sup> and J st. (P-9499)

The Association's appeal is based upon several grounds:

1. We believe there is a serious adverse impact of Roger Scott's proposal;
2. There appear to be errors, misleading statements and serious inaccuracies in Roger Scott's EIR questionnaire; and
3. The proposal violates an understanding between Roger Scott, et al and the Assoc as well as long standing Planning Commission stipulations.

More Specifically:

I Adverse impact of Roger Scott's proposal

1. To trade the removal of two large Sycamore trees and approximately 650 square feet of "green space" for a commercial driveway and service yard will have a serious detrimental impact on the neighborhood;

EAST SACRAMENTO IMPROVEMENT ASSOCIATION  
P.O. BOX 19147  
SACRAMENTO, CALIFORNIA 95819

2. The washing and cleaning activities to be performed in the service yard will create significantly more objectionable odors and noise to the neighbors;
3. The realigned driveway will increase the speed of cars as the exit and enter off 38<sup>th</sup> St. This is a health and safety issue;
4. The proposed 10' medium density lighting will have a significant harmful affect on the sleep of neighbors; and
5. Roger Scott's proposal amounts to nothing less than strip zoning for commercial use in a residential neighborhood.

II ERRORS, misleading statements and inaccuracies

III Roger Scott's EIR questionnaire.

III A. Number, location and type of existing trees on project parcel: "Street trees only, City Property"

III B. Number, size, and location of trees to be removed: "None"

There are existing trees and large shrubs in the "green space" that would be removed in addition to the two large Sycamore trees

EAST SACRAMENTO IMPROVEMENT ASSOCIATION  
P.O. BOX 19147  
SACRAMENTO, CALIFORNIA 95819

VIII B. Hours of operation: " 11:00 AM to 12-1 AM"  
The restaurant is open until 2:00 AM  
every night and opens at 10:00 AM  
on Sundays.

IX A Why is the project justified now rather  
than reserving the option for other alternatives  
in the future?: "The storage, office support  
facilities are necessary for the restaurant  
to function properly"

The Fish Emporium had a wide  
range of reasonable alternatives  
available to them when they  
owned the adjacent commercial  
property. They still have several  
reasonable alternatives available  
within their commercially zoned  
property that would mitigate  
the environmental impact.

In addition the following questions were  
answered in the negative and, in our opinion,  
should have been answered in the affirmative.  
These questions are #9, 18, 20, 21, 22, 23,  
27, 30, 36, 37, 38, 39, 40 and 41.

September 24, 1981

City Council of Sacramento  
City Hall  
915 I Street  
Sacramento, California 95816

RE: Roger Scott Group (Fish Emporium)

Dear Members of the City Council:

I urge you to uphold the appeal of the East Sacramento Improvement Association against the findings of the Environmental Coordinator who has issued a negative declaration regarding Roger Scott's Group (Fish Emporium) plan to expand its commercial enterprise by intruding further into the adjacent R-1 zone.

My wife and I have lived in the fourth house south of the Fish Emporium on 38th Street for twenty-four years. We think it would be a gross injustice to the residents of our area to permit commercial expansion that will cause (1) removal of trees and grass area that were part of the compromise necessary to a variance granted previously, and (2) bring noise, autos and odor pollution twenty-five feet closer to our residential area. Ours is an old and gracious neighborhood and we don't deserve this kind of violation from commercial enterprise.

I believe that business firms should have an opportunity to make a profit, but Roger Scott's Group can achieve its efficiencies and expansion within its C-1 zone area and without the need to move the driveway closer to the residential area. While they build their business up they should not tear the residential area down.

Also, as you know, the appeal of the East Sacramento Improvement Association, in its letter of September 10, 1981 (Paragraph IX), called attention to negative answers to fourteen (out of forty-seven) questions that, in the Association's opinion, should have been answered in the affirmative. The person(s) who completed the Environmental Questionnaire (upon which your Environmental Coordinator relied) could not have made a serious effort to answer the questionnaire impartially and/or correctly since all forty-seven questions were answered in the negative.

Since practically thirty percent of the answers to the Environmental Questionnaire should have been in the affirmative, at least in the minds of the residents of the area, your Environmental Coordinator would have been unable to issue a negative declaration--except by discounting completely the opinion of the residents of 38th Street.

Because of the divergent viewpoints of a substantial (thirty percent) number of answers to the Environmental Questionnaire (i.e., Roger Scott Group vs. 38th Street residents), I urge you to require an impartial and complete review of the issues.

Sincerely,



Peter F. Mancina  
1101 38th Street  
Sacramento, California 95816

SEPT 23, 1981

SACRAMENTO CITY COUNCIL  
ROOM 308  
CITY HALL  
915 I STREET  
SACRAMENTO, CALIF 95814

SUBJECT: FISH EMPORIUM

DEAR CITY COUNCIL:

I LIVE ACROSS THE STREET FROM THE FISH EMPORIUM AND I DO NOT WANT TO LOOK OUT MY FRONT WINDOW AND SEE A PARKING LOT | THERE IS SERIOUS ADVERSE IMPACT TO THEIR PROPOSAL AND I SINCERELY HOPE IT IS STOPPED.

RIGHT NOW I LOOK OUT MY WINDOW AND SEE TWO BEUTIFUL TREES, LAWN, SHRUBS, AND A LARGE TREE IN THE GREEN SPACE. IT LOOKS RESIDENTIAL. IF YOU ALLOW ROGER SCOTT TO REMOVE THE LANDSCAPING, TREES AND GRASS FOR A COMMERCIAL DRIVEWAY, IT WOULD INDEED BE TRAGIC. THIS IS A VERY OLD NEIGHBORHOOD AND THIS PROPOSAL WOULD UNALTERABLY RUIN ITS CHARACTER.

BESIDES IT'S IMPACT ON THE RESIDENTIAL QUALITY OF THE NEIGHBORHOOD, ROGER SCOTT'S PROPOSAL WOULD MOVE 25 FEET CLOSER A WHOLE LITANY OF NOISE, SIGHT, AND ODDOR POLLUTION TO PEOPLE WHO LIVE ON THE STREET. I BELIEVE THIS IS SIGNIFICANT. EVEN THE PLANNING COMMISSION STAFF BELIEVE IT'S SERIOUS AS

INDICATED IN THEIR REPORT. PLEASE UNDERSTAND THAT WE LIVE HERE AND ARE RAISING OUR CHILDREN HERE. THE ONLY OBJECTIVE OF THE FISH EMPORIUM IS TO MAKE MONEY. I HAVE NO OBJECTION TO THIS, EXCEPT IN THIS CASE IT'S AT THE EXPENSE THIS NEIGHBORHOOD'S RESIDENTIAL CHARACTER AND AT THE EXPENSE OF MY (AND MY NEIGHBOR'S) RIGHT TO A SAFE AND PEACEFUL NEIGHBORHOOD. THE NOISE OF PATRON'S, PATRON'S CARS, BREAKING BOTTLES AND FISH EMPORIUM EMPLOYEES AT 1:00 AM, 1:30 AM, AND 2:00 AM ALREADY KEEPS US AWAKE. I DON'T WANT IT 25' CLOSER!

ROGER SCOTT'S EIR REPORT IS INACCURATE AND THE REPORT'S CONCLUSIONS ARE FAULTY. THERE IS AN ADVERSE IMPACT TO THE ENVIRONMENT CAUSED BY THIS PROPOSAL AND A FULL AND COMPLETE EIR STUDY SHOULD BE REQUIRED.

SINCERELY YOURS

*Rick McWilliam*

RICK MCWILLIAM  
1044 30<sup>TH</sup> ST.



DON AND NADINE HATA  
1109 38th Street  
Sacramento, California 95816  
September 22, 1981

The Honorable Mayor and City Council  
The City of Sacramento  
City Hall  
Sacramento, California

Dear Mayor Isenberg and Members of the City Council:

We oppose Mr. Roger Scott's (Fish Emporium) application for a special permit and variance for the construction of a service yard in a single family R-1 zone at the corner of 38th and J. Street. His proposal will have a significant negative impact on the adjacent and surrounding residential neighborhood.

Mr. Scott's application contains numerous factual errors which we hope the City Council and its staff will review carefully. Contrary to what Mr. Scott declared in his application, there will be a negative impact in the following areas:

1. Additional traffic congestion, hazards, and loss of residential parking.

- Large delivery trucks block 38th Street by double-parking, and motor vehicles including heavy motorcycles race in and out of the driveway.
- Residential bumper stickers are useless since patrons and employees of the Fish Emporium have already taken the curb parking spaces.
- Numerous young children and older people reside immediately adjacent to, and across from, the proposed expansion of commercial activity.

2. Irretrievable alteration of the aesthetic and historic ambience, and residential integrity, of the area.

- 38th Street is acknowledged as one of Sacramento's oldest residential neighborhoods, replete with well-maintained structures reflecting historic architectural styles, large mature trees, and green landscapes.
- Local residents are a healthy mixture of young and old, all of whom enjoy the tranquil and friendly neighborhood atmosphere.

We moved here only a month ago. We did so because of the many attributes which make it an ideal place to plant permanent roots. We accepted the Fish Emporium's current operations as a fait accompli, although we suffer the hazards and nuisances related directly to it...racing cars and motorcycles, the noise of bottles dumped in the wee hours, the stench of fish on the sidewalk, and the drunken bodies in the parking lots and adjacent lawns.

We adamantly oppose the application submitted by Mr. Scott. It will exacerbate an already barely tolerable situation into an unreasonable intrusion and subversive alteration of this neighborhood.

Sincerely yours,

  
Donald Teruo Hata, Jr.

  
Nadine Ishitani Hata

September 23, 1981

Honorable Mayor and City Council  
City of Sacramento  
City Hall  
Sacramento, California

Dear Mayor and City Council:

As an area resident and parent I support the East Sacramento Improvement Association's opposition to Roger Scott's application for a special permit and variance for a service yard for his Fish Emporium Restaurant in a single family R-1 zone at the corner of 38th and J Street.

I have seen a copy of Mr. Scott's proposal. There are a number of factual errors including the following:

- Contrary to Mr. Scott, there will be a significant increase in noise levels of vehicular traffic and restaurant operations.
- Contrary to Mr. Scott, there will be increased traffic hazards to small children and older people who reside in areas immediately adjacent to the restaurant's proposed expansion southward into 38th Street.
- Contrary to Mr. Scott, there will be public controversy over the proposal due to its negative impact on the aesthetic, historic and residential integrity of the neighborhood.

I am not opposed to either commerce or entrepreneurial activity. I believe, however, that the Fish Emporium has reasonable alternatives available within its commercially zoned property to achieve its objectives without further intrusions on the traditional ambience and integrity of the adjacent and surrounding area.

I would be happy to further discuss this item at your convenience.

Sincerely,



Timothy F. Comstock  
1447 38th Street  
Sacramento, California