

**CITY PLANNING COMMISSION**

1231 'I' STREET, SUITE 200, SACRAMENTO, CA 95814

<b>APPLICANT</b>	Morton and Pitalo, Inc., 1430 Alhambra Blvd., Sacramento, CA 95816
<b>OWNER</b>	Oak Properties, 2625 Fair Oaks Blvd., Ste 5, Sacramento, CA 95825
<b>PLANS BY</b>	Morton & Pitalo, Inc., 1430 Alhambra Blvd., Sacramento, CA 95816
<b>FILING DATE</b>	6/2/88
<b>ENVIR. DET.</b>	Neg. Dec.
<b>REPORT BY</b>	DH:pe
<b>ASSESSOR'S PCL. NO.</b>	250-240-40, 41, 42

**APPLICATION:**

- A. Negative Declaration
- B. Tentative Map to establish three lots.
- C. Variance to provide 28 required parking spaces offsite on an adjacent lot.

**LOCATION:** South east corner of Winterhaven Avenue and Northgate Boulevard

**PROPOSAL:** The applicant is requesting the necessary entitlements to establish three lots and provide offsite parking on a common lot restricted for parking.

**PROJECT INFORMATION:**

General Plan Designation:	Special Planning District
1978 South Natomas Community Plan Designation:	Northgate Boulevard District
Existing Zoning of Site:	Special Planning District (SPD) C-2
Existing Land Use of Site:	Shopping Center and vacant lot for proposed Long John Silver drive-up restaurant

**Surrounding Land Use and Zoning:**

North:	Mini-Storage; C-2
South:	Vacant, apartment; C-2
East :	Single Family; R-1, C-2
West :	Single Family; R-1

Parking Required:	82 spaces
Parking Provided:	82 spaces
Property Dimensions:	307 ft. x 284 ft.
Property Area:	1.6+ acres total area: Parcel 1 = 20,154 sq.ft. Parcel 2 = 18,980 sq.ft. Parcel 3 = 48,154 sq.ft.
Square Footage of Building:	2,118 sq.ft. Restaurant on Lot 1; 10,800 sq.ft. retail bldg. on Lot 2
Height of Building:	One story
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing
Exterior Building Materials:	Wood, stucco, tile, masonite for restaurant
Roof Material:	Composition shingle

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APPLC. NO. P88-250 MEETING DATE January 26, 1989 ITEM NO. 8

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SUBDIVISION REVIEW COMMITTEE RECOMMENDATION: On August 10, 1988, by a vote of six ayes and three absent, the Subdivision Review Committee voted to recommend approval of the tentative parcel map subject to the attached conditions.

BACKGROUND INFORMATION: On June 27, 1985, the Planning Commission approved a lot line merger to combine three lots into a single lot to allow construction of a 10,800 sq. ft. retail building. (P85-224). The merger has not been recorded so that the existing retail building is illegally divided by two property lines. The applicant is aware of the need to file a certificate of compliance merging the lots.

On May 12, 1988, the Planning Commission approved a special permit for a Long John Silver's drive through restaurant on the corner of Northgate Boulevard and Winterhaven Avenue. (P88-152). The applicant now seeks to establish a building pad parcel for Long John Silver's, a separate lot, Parcel 2 for the 10,800 sq. ft. retail building and a third lot, Parcel 3, restricted to parking only for lots 1 and 2. The required 28 parking spaces for the restaurant are to be provided offsite, so therefore, a variance is required.

PROJECT EVALUATION: Staff has the following comments:

A. Land Use and Zoning

The site is designated Special Planning District on the General Plan. The 1988 South Natomas Community Plan designates the site as Northgate Special Planning District. The 1988 South Natomas Community Plan notes that the Northgate Boulevard commercial strip has a history of inconsistent development and commercial development that is incompatible with the adjacent Gardenland residential development. However, the commercial development located on Northgate provides needed services to the immediate neighborhood and the community. Northgate is a major four lane street which connects North and South Natomas with the Central City.

The purpose of the SPD is to encourage commercial uses that will be beneficial to the community and compatible with the adjacent residential development. The SPD encourages uses that have associated drive-up service facilities to locate on corner lots along Northgate Boulevard so that side streets can be utilized for access. The approved fast food restaurant is neighborhood serving and is located on a corner lot, allowing patrons to enter and/or exit off of Winterhaven Avenue.

The site is zoned C-2. The site contains 1.6+ acres and is currently developed with a 10,800 sq. ft. retail center which has several restaurants, a bar/night club and retail shops. Parking required for all uses was determined to be adequate prior to action on the Special Permit for Long John Silvers. A total of 82 spaces were required for the retail center and Long John Silvers. Two additional spaces were added at the southeastern corner of the parking area to bring the total parking up to 82 spaces.

Adjacent land uses include single family to the east and west; a mini-storage facility to the north and vacant and apartments to the south. Adjacent zoning is depicted on the Land Use and Zoning Exhibit.

B. Tentative Map Evaluation

The Subdivision Review Committee expressed concerns over water and sewer lines to Parcel 2 passing over Parcel 3 from Northgate Boulevard. A requirement for separate water and sewer services to each proposed lot will require a separate water service to the landscaping on Parcel 3.

Reciprocal Parking and Access Easements are to be recorded in the deeds to all affected parcels with 28 spaces reserved for Long John Silvers. No additional seating will be allowed without providing additional parking.

The trash enclosure is also provided on Parcel 2 for Parcel 1 so that a maintenance and use agreement is necessary for the joint use of the trash enclosure area.

Parcel 2 will require redesign to front onto Winterhaven. Water and Sewer services are to be provided from Winterhaven and not pass over Parcel 3. Relocation may be necessary as required by Public Works Department. A storm drain line runs from Lot 2 across Lot 3 to Northgate Boulevard. A private utility easement shall be shown on the final parcel to the satisfaction of the City Engineer.

Parcel 3 will be restricted to Not a Building Site and so noted on the Parcel Map in the deed so that it may not be developed. The applicant has stated the owner is willing to restrict the site for parking only and not construct any structures on it.

Staff supports the Tentative Map request subject to conditions as stated.

C. Variance for Offsite Parking

The applicant's original Tentative Map showed seven spaces onsite and 21 spaces offsite. Staff requested that the applicant enlarge the corner lot to include all 28 required parking spaces. However, the owner indicated that the cost to Long John Silver's was prohibitive so that Long John Silver's requested a smaller lot for the building only and a variance to provide all required parking offsite.

Staff normally does not support establishment of uses where parking is not provided onsite. For several South Natomas Shopping Centers which were built with future commercial pads left vacant, some pads allowed all required parking to be shown on the pad and other pads were too small after the building was constructed to provide the required parking. In each case, staff considered the total provided parking for each shopping center and mix of tenant uses. In the case of Long John Silver's, staff observes that the pad is small and that total onsite parking will be adequate for Parcel 1 and 2. With the deed restrictions and reciprocal parking and access agreements, the assured parking availability for both Parcels 1 and 2 will be achieved. Staff therefore supports the variance to provide the required parking offsite subject to conditions.

Agency Comments: Comments were received from various City Departments and are reflected in the Subdivision Review Committee recommendations.

The Public Works Department commented after the August 10, 1988 Subdivision Review Committee that the South Natomas Community Plan, adopted on November 29, 1988 by the City Council, requires participation in the proposed Facilities Benefit Assessment (FBA) District. The following wording is added as a condition to the tentative map request.

"Participate in a Facilities Benefit Assessment (FBA) District or other fair and appropriate financing mechanisms to be formed to finance needed public infrastructure and community facilities in South Natomas. The exact amount of dollar participation in the FBA District for each of the improvements will be specified at the time that the District is formed.

Granging of future discretionary land use entitlements beyond zoning shall be withheld until the FBA or other financing mechanism is in place, unless the applicants agree to participate in the FBA or other equitable funding mechanism to finance needed community facilities at the time of such future discretionary entitlements."

ENVIRONMENTAL DETERMINATION: The Environmental Coordinator has determined that the proposed project will not have a significant adverse effect on the environment and has filed a negative declaration.

RECOMMENDATION: Staff recommends that the Commission take the following actions:

- A. Ratify the Negative Declaration: and
- B. Recommend approval of the tentative map subject to conditions which follow;
- C. Approve the variance subject to conditions and based upon findings of fact which follow.

Conditions - Tentative Map

The applicant shall satisfy each of the following conditions prior to filing the final map unless a different time for compliance is specifically noted:

1. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments;
2. Meet all County Sanitation District requirements;
3. Dedicate right-of-way along Northgate Boulevard to a 40 foot halfsection and Winterhaven to a 22 ft. half-street.

4. Reciprocal access and parking easement shall be recorded on the final map and deeds to the proposed lots.
5. Show all easements on final map.
6. Extend Parcel 2 to Winterhaven Avenue so that:
  - a. a landlocked parcel is not created;
  - b. each parcel fronts a public water main.
7. Separate sewer and water services shall be provided to each parcel.
8. The following note shall be placed on the Final Map:

The Federal Emergency Management Agency (FEMA) is studying this area to ascertain whether the area is adequately protected from the 100-year flood. If the data developed in the study shows the absence of such protection, the FEMA- 100-year floodplain standards must be satisfied as a condition for issuance of City building permits and other approvals.

9. Parcel 3 shall be recorded as not a building site and reserved for parking only. A note shall be placed on the map and in the deed to Parcel 3 restricting its use to parking for lots 1 and 2. A copy of the recorded deeds to all 3 lots shall be provided the City Planning Department prior to issuance of building permits.
10. *Participate in a Facilities Benefit Assessment (FBA) District or other fair and appropriate financing mechanisms to be formed to finance needed public infrastructure and community facilities in South Natomas. The exact amount of dollar participation in the FBA District for each of the improvements will be specified at the time that the District is formed.*

*Granting of future discretionary land use entitlements beyond zoning shall be withheld until the FBA or other financing mechanism is in place, unless the applicants agree to participate in the FBA or other equitable funding mechanism to finance needed community facilities at the time of such future discretionary entitlements.*

#### Conditions - Variance

1. The applicant shall comply with conditions of approval of P88-152 Special Permit for Long John Silver's.
2. All parking required for Parcels 1 and 2 shall be identified and so noted on the master plan.

3. Any change in tenants which requires increased parking shall be reviewed and approved by the Planning Director.
4. The Planning Director shall review and approve the deed restrictions on Parcel 3 restricting it to "Not a Building Site" prior to recordation of the deeds.
5. Proof of a joint maintenance and use agreement for the trash enclosure shall be provided to the Planning Staff prior to recordation of the final map and issuance of building permits.
6. All parking and maneuvering areas are required to meet the City Tree Shading Ordinance.
7. If the Parcel Map is not recorded, then a certificate of compliance shall be recorded merging the three lots into one.

Findings of Fact - Variance - Approval

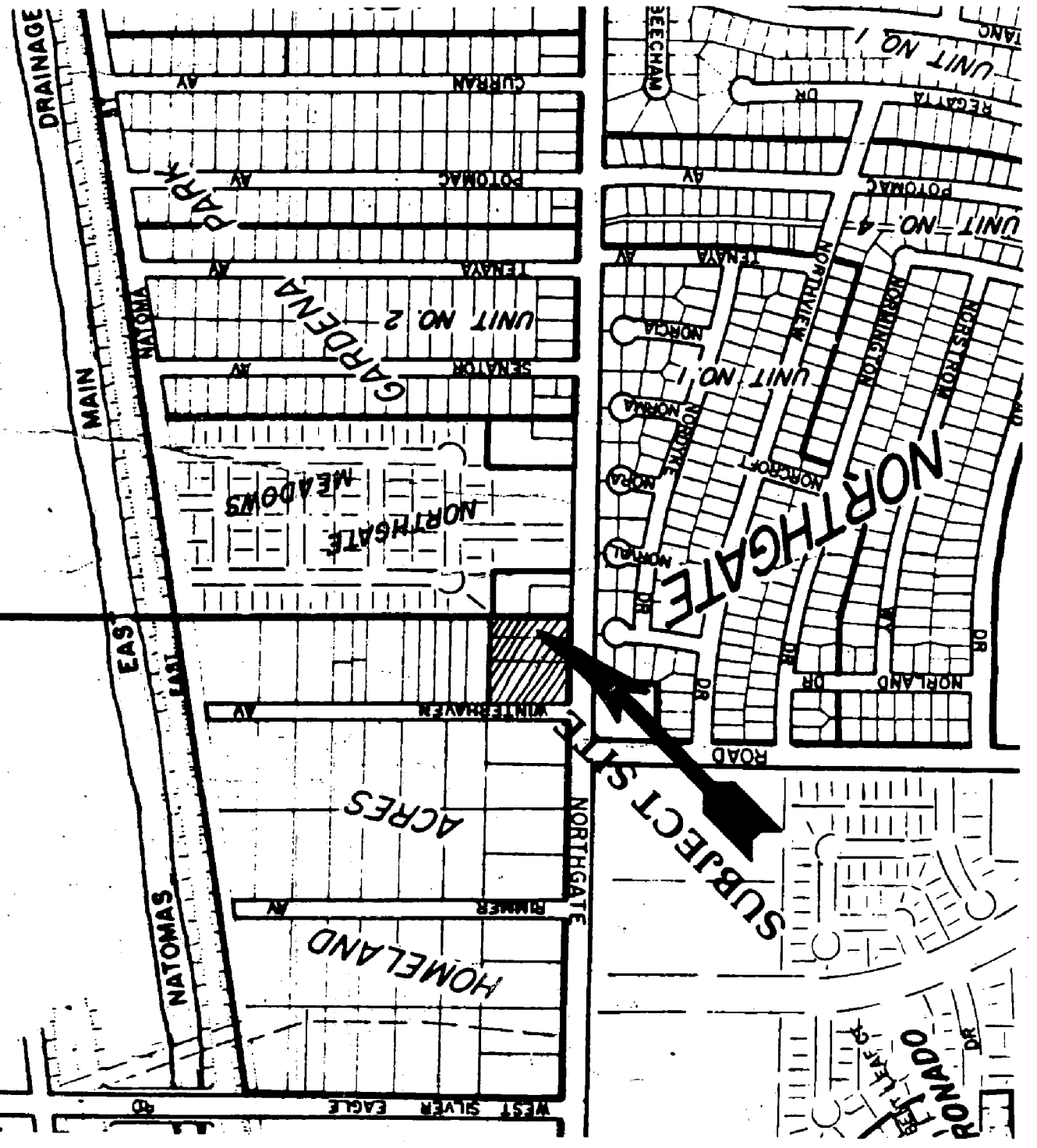
1. Granting the variance does not constitute a special privilege extended to an individual property owner in that commercial centers where retail pad space is limited due to the size of a building, the Commission has allowed required parking to be provided offsite subject to easements and reservations on adjacent property.
2. Granting the variance does not constitute a use variance in that commercial parking is allowed in the General Commercial (C-2) Zone.
3. Granting the variance request will not be injurious to the public welfare nor to properties in the vicinity of the subject site in that all driveway entrances and parking areas will be surfaced in accordance with City standards and the site will be adequately drained.
4. The project is in conformance with the City's General Plan which designates the site for Special Planning District use and the 1988 South Natomas Community Plan which designates the site for Commercial uses in the S.P.D.

# VICINITY MAP

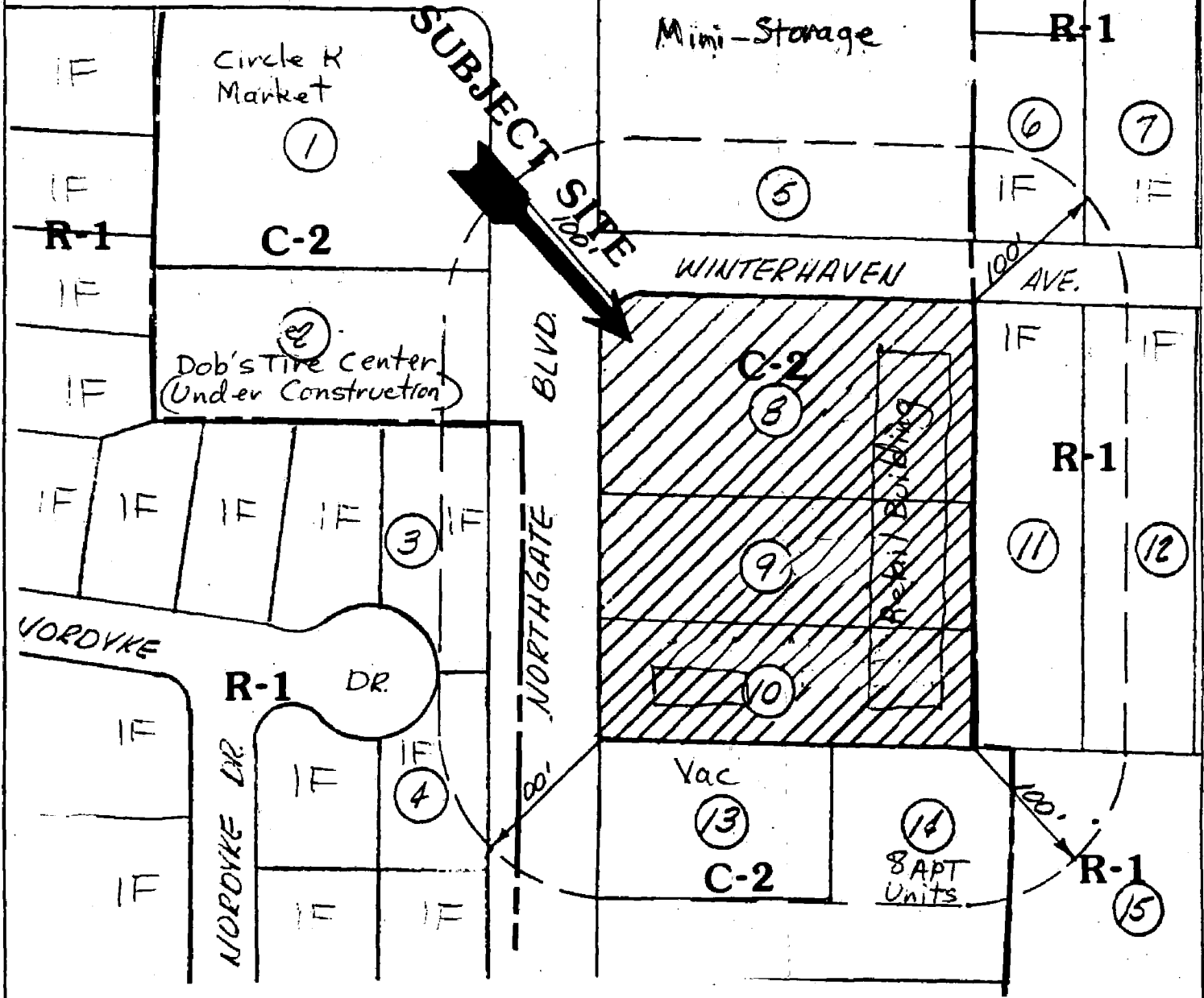
000635

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Scale: 1"=500'



SAN JUAN RD.



000636

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N  
↑  
Scale: 1" = 100'

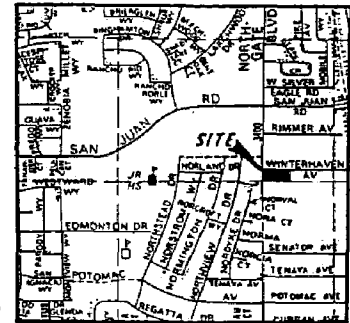
# LAND USE & ZONING MAP





SCALE: 1"=20'

TENTATIVE PARCEL MAP  
NORTHGATE/WINTERHAVEN  
MAY 1988 CITY OF SACRAMENTO



VICINITY MAP  
NO SCALE

889000

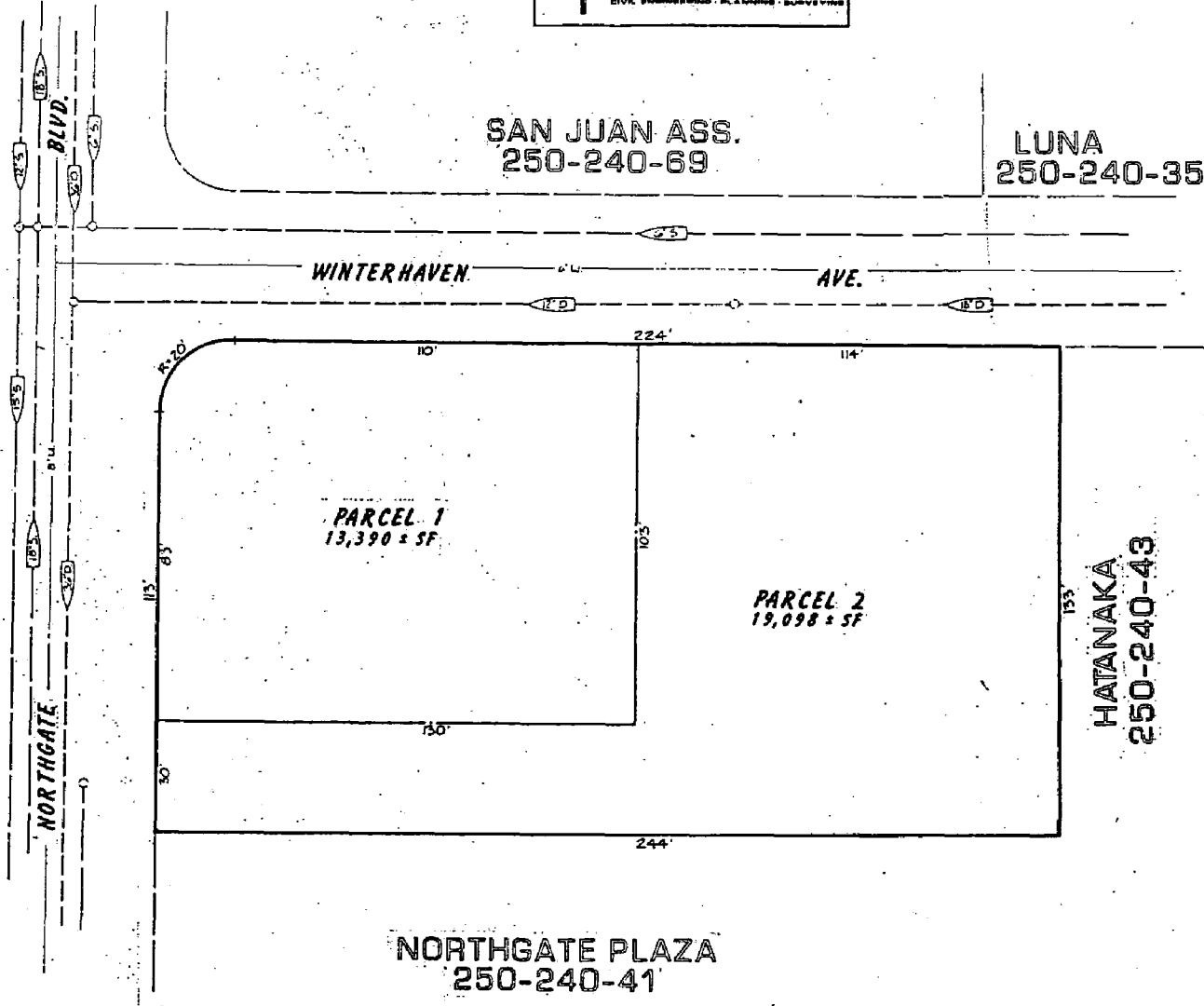
BECKER  
262-015-15

RICHEY  
262-015-16

CONERLY  
262-015-10

SAN JUAN ASS.  
250-240-69

LUNA  
250-240-35



NORTHGATE PLAZA  
250-240-41

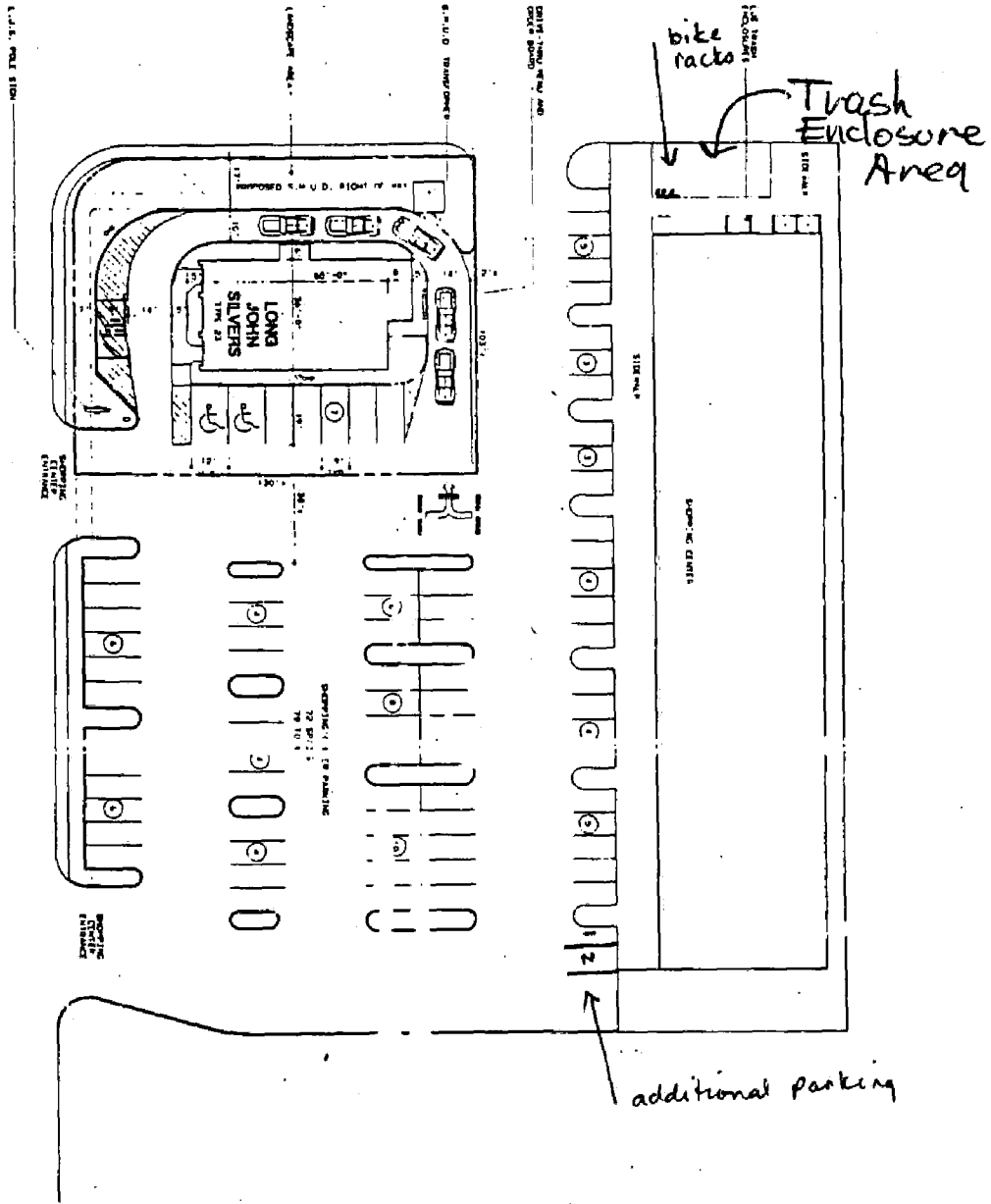
HATANAKA  
250-240-43

- OWNER/DEVELOPER  
OAK PROPERTIES  
2625 FAIR OAKS BOULEVARD, SUITE 3  
SACRAMENTO, CA 95864
- APPLICANT  
MORTON & PITALO, INC.  
1430 ALHAMBRA BOULEVARD, SUITE 200  
SACRAMENTO, CA 95816
- ASSESSOR'S PARCEL NO.  
250-240-40
- AREA  
32,488± SQUARE FEET
- ZONING  
C-2
- STORM DRAINAGE  
SANITARY SEWER  
WATER  
SCHOOL DISTRICT  
PARKS AND RECREATION  
FIRE PROTECTION  
POLICE PROTECTION  
CITY OF SACRAMENTO
- ELECTRICITY  
SACRAMENTO MUNICIPAL UTILITY DISTRICT
- GAS  
PACIFIC GAS AND ELECTRIC COMPANY
- TELEPHONE  
PACIFIC BELL

SPECIAL PERMIT  
APPROVED SITE  
PLAN (P-88-152)

WINTERHAVEN AVE.

NORTHGATE BLVD.



1 of 4

000639

**EXHIBIT A**  
**SITE PLAN**

**LONG JOHN SILVERS**  
**SEAFOOD SHOPPES**  
PRELIMINARY DESIGN FOR  
**SACRAMENTO, CA.**  
NORTHGATE BLVD.  
LAYOUT P-1  
NOT FOR CONSTRUCTION

**LEGEND**

- U.S.S. POLE SIGN
- ⊙ NO. OF PARKING SPACES
- DIAMETER PAD AND APPROX
- PARKING LOT LIGHT

RECEIVED BY _____ OPERATOR FOR MAP _____ REG. STATE NO. _____ BY: J.P. WELSH _____ REGION: S.F. DIST. _____ DIVISION: S.F. DIST. _____ PROJECT: _____	SCALE: 1" = 20'-0" BUILDING TYPE: 22 PARKING FOR: 22 CARS DRAWN BY: GAN DATE: 2/1/88 DRAWING I.D. #: 88211.001.1.00201 PERMIT: 8818-004	<b>REVISION</b> _____ _____ _____
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P-88-152-152

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LEGAL DESCRIPTION

All that certain real property situate in the County of Sacramento, State of California, described as follows:

All of Lot 42 of Homeland Acres, as recorded in the Office of the Recorder of Sacramento County, in Book 19 of maps, page 10. Containing 1 acre  $\pm$ .