CITY OF SACRAMENTO

(21)

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CITY OF SACRAMENTO

APR 25 11 27 AM '85

CITY PLANNING DEPARTMENT
927 TENTH STREET
SUITE 300
SACRAMENTO, CA.95814
TELEPHONE (916) 449-5604

MARTY VAN DUYN
PLANNING DIRECTOR

FILED
APR 30 1985
Cont to 5-21-85
BY THE CITY COUNCIL
OFFICE OF THE CITY CLERK

APPROVED
BY THE CITY COUNCIL
MAY 21 1985
OFFICE OF THE CITY CLERK

Intent to Grant appeal w/conditions due 6-4-85

April 25, 1985

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Appeal of Planning Commission's Denial of a Variance to locate 20 of 26 required parking spaces off-site in order to develop a restaurant (P85-104)

LOCATION: 480 El Camino Avenue

SUMMARY

The applicant is requesting a Variance to locate 20 of 26 required parking spaces off-site on an adjacent parcel. The parking is to serve a proposed restaurant. The Planning Commission denied the Variance request and the matter has been appealed to the City Council.

BACKGROUND INFORMATION

The subject site is a vacant 50' x 145' lot located adjacent to the Raley's Shopping Center. The subject site and the Raley's center site are owned by the applicant. The applicant proposes to locate 20 of the 26 parking spaces required for the restaurant use on the Raley's center site.

Although the Raley center site has enough surplus parking to accommodate the proposal, staff recommended against the Variance. Staff's recommendation was based on the following:

1. The need for the Variance can be avoided by merging the two sites or adjusting the common lot line to include the 20 spaces onto the subject site. Therefore, no hardship or unique circumstance exists to justify the Variance.

2. If the Variance is approved and in the future the sites are sold to different owners, the subject site will have substandard parking. Although the applicant expressed a willingness to encumber the off-site spaces for a fifty year period, staff believes this would simply be deferring an undesirable condition that does not need to be created.

Residents along Forrest Street and in the immediate area appeared at the Planning Commission meeting and opposed the project. A primary concern was the additional traffic that would use the alley behind the subject site which connects with Forrest Street which serve low density residential uses. Subsequent to the Commission meeting the applicant, staff and Councilman Johnson met to discuss this issue. The traffic concerns can be mitigated by restricting use of the alley by automobiles or by abandonment of the alley (see Exhibit A). This approach to mitigate traffic concerns is not contingent upon granting the Variance.

VOTE OF THE PLANNING COMMISSION

On March 28, 1985, the Commission voted eight ayes, one absent to deny the Variance request.

RECOMMENDATION

The Planning Commission and staff recommend the City Council deny the appeal based on the Findings of Fact that are attached.

Respectfully submitted,

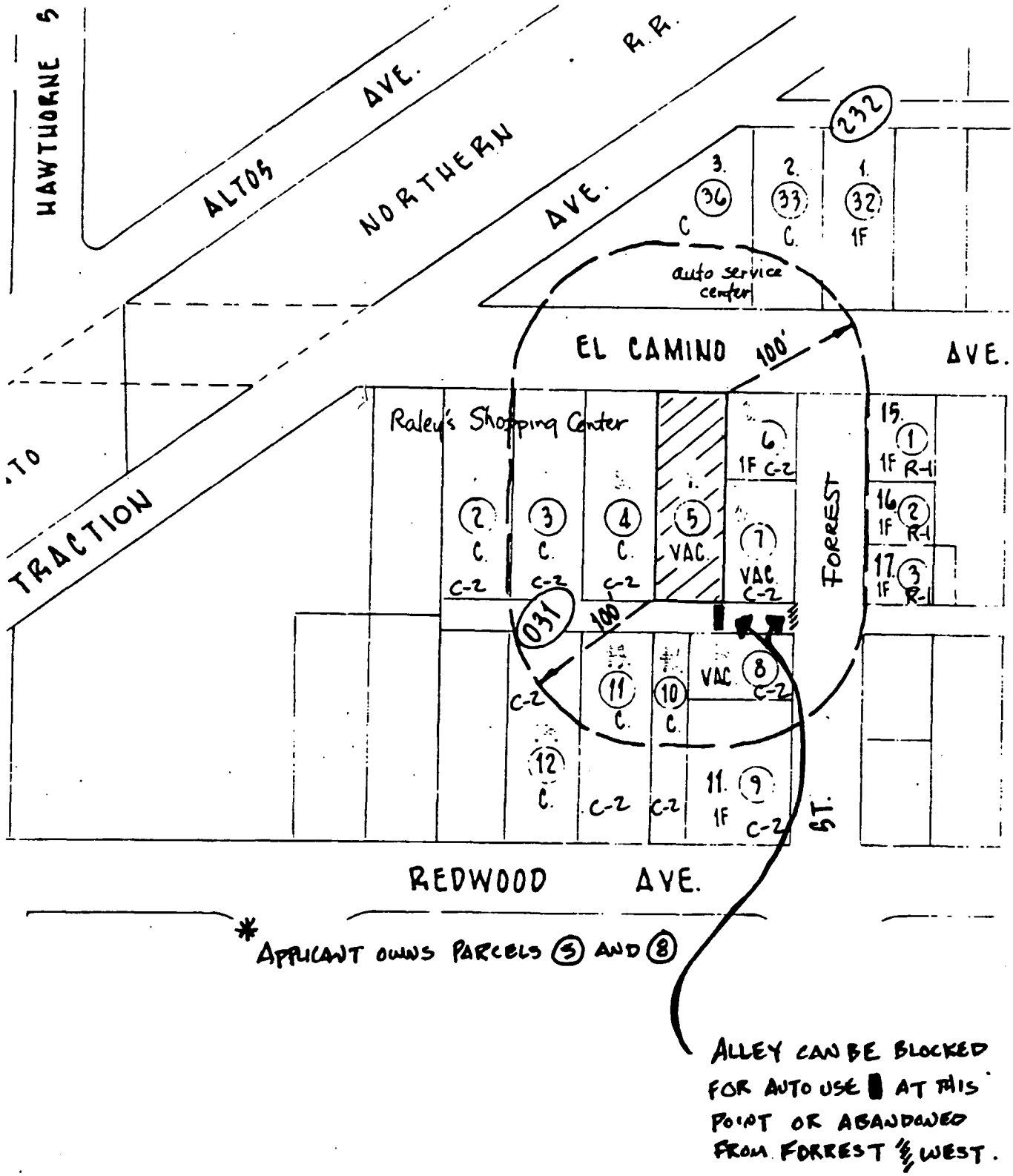
Art Gee for
Marty Van Duyn
Planning Director

FOR CITY COUNCIL INFORMATION
WALTER J. SLIPE
CITY MANAGER

AG:lao
attachments
P85-104

April 30, 1985
District No. 2

EXHIBIT A



LAND USE & ZONING MAP

P85-104

Item

21

Appeal of Robert Grant vs City of Sacramento Planning Commission's Denial of a Variance to locate 20 required parking spaces off-site in conjunction with a proposed restaurant use located at 480 El Camino Avenue (P85-104)	)	NOTICE OF DECISION AND FINDINGS OF FACT

At its regular meeting of April 30, 1985, the City Council heard and considered evidence in the above entitled matter. Based on oral and documentary evidence at said hearing, the Council denied the appeal based on the following findings:

1. Granting the Variance constitutes a special privilege granted to a single property owner in that no special circumstances exist to prohibit the applicant from redesigning the site plan, using the site for another use or adjusting property lines to eliminate need for the Variance.

2. Granting the Variance would be injurious to the public welfare and other properties in that the site would have substandard parking.

3. The project does not conform to the North Sacramento Community Plan goal of integrating land use and density with transportation needs.

_____
MAYOR

ATTEST:

_____
CITY CLERK

P85-104

SACRAMENTO CITY PLANNING COMMISSION

MEETING DATE March 28, 1985

ITEM NO. 27 FILE P85-104

M

- GENERAL PLAN AMENDMENT ☐
- COMMUNITY PLAN AMENDMENT ☐
- REZONING ☐
- SPECIAL PERMIT ☐
- VARIANCE ☑
- TENTATIVE MAP ☐
- SUBDIVISION MODIFICATION ☐
- LOT LINE ADJUSTMENT ☐
- ENVIRONMENTAL DET. ☐
- OTHER

Location: 480 El Camino Avenue

Recommendation:
☐ Favorable
☑ Unfavorable W/FF

☐ Petition ☑ Correspondence

PROPONENTS

NAME	ADDRESS
Robert Grant	820 Watt Avenue, Sacramento 95864

OPPONENTS

NAME	ADDRESS
Harold Miller	3712 North Edge Drive, Sacramento
Jean & Joe Flores	2484 Forrest Street, Sacramento
Mitra Curry	496 El Camino Avenue, Sacramento
Elas Rough	510 El Camino Avenue, Sacramento
Jeine Miller	2464 Forrest Street, Sacramento

MOTION

- ☐ TO APPROVE
- ☐ TO DENY
- ☐ TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT
- ☑ TO ~~APPROVE~~/DENY BASED ON FINDINGS OF FACT IN STAFF REPORT
- ☐ INTENT TO APPROVE/DENY SUBJECT TO COND. & BASED ON FIND. OF FACT DUE
- ☐ TO RECOMMEND APPROVAL & FORWARD TO CITY COUNCIL
- ☐ TO RECOMMEND APPROVAL SUBJECT TO COND. & FORWARD TO CITY COUNCIL
- ☐ TO RATIFY NEGATIVE DECLARATION
- ☐ TO CONTINUE TO MEETING
- ☐ OTHER

MOTION NO.

	YES	NO	MOTION	SECOND
Ferris	✓			
Fong	✓			
Goodin	absent			
Holloway	✓			
Hunter	✓			✓
Ishmael	✓			
Ramirez	✓			
Simpson	✓		✓	
Augusta	✓			

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NOTICE OF APPEAL OF THE DECISION OF THE
SACRAMENTO CITY PLANNING COMMISSION

~~217~~ 21

DATE: 4-1-85

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City Planning Commission of Mar 28, 1985 (Date) when:

____ Rezoning Application X Variance Application

____ Special Permit Application ____ _____

was: ____ Granted X Denied by the Commission

GROUNDS FOR APPEAL: (Explain in detail) Plausible request.
(See attached letter)

PROPERTY LOCATION: 480 El Camino Ave.

PROPERTY DESCRIPTION: _____

ASSESSOR'S PARCEL NO. 275 - 031 - 05

PROPERTY OWNER: Lincoln Dellar

ADDRESS: P.O. Box 5365, Santa Barbara, Ca. 93108

APPLICANT: Robert U. Grant Civil Engrg Co., Inc.

ADDRESS: 820 Watt Ave., Sacramento, Ca. 95864

APPELLANT: (Robert U. Grant) (Robert U. Grant)
(SIGNATURE) PRINT NAME

ADDRESS: 820 Watt Ave, Sacramento, Ca. 95864

FILING FEE:
☒ by Applicant: $105.00 RECEIPT NO. # 4862 (4-1-85)
☐ by 3rd party: 60.00

FORWARDED TO CITY CLERK ON DATE OF: _____

P-85-104

5/82

DISTRIBUTE TO -
(4 COPIES REQUIRED): MVD
HY
WW
LO
SG - 10r

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ROBERT U. GRANT CIVIL ENGINEERING CO., INC.
820 WATT AVENUE
SACRAMENTO, CALIFORNIA 95825
TELEPHONE
488-5211

21

March 29, 1985

Honorable City Council
City of Sacramento
City Hall
Sacramento, Ca. 95814

Subject: Variance Application (off-site parking) - P85-104
480 El Camino Avenue. Lincoln Dellar, Owner.

Our File: 84018

Honorable Members:

This letter is to appeal the decision of the City Planning Commission at the hearing of March 28, 1985, whereby the above subject variance request was denied.

The owner and developer consider the request to be reasonable. The development program is to construct a small 2,128 square foot resturant on a 50' x 145' parcel that is zoned Retail-General Commercial (C-2). Five of the required eighteen parking stalls are to be provided on the site. They would serve primarily as employee parking. Thirteen of the required stalls plus an excess of seven more stalls are proposed to be provided off-site on the immediately adjacent large parking lot serving the existing Raley's Shopping Center located at the Southeast corner of El Camino Ave. and Traction Ave.

Your consideration of this request is very much appreciated.

Very truly yours,

Robert U. Grant

ROBERT U. GRANT CIVIL
ENGINEERING CO., INC.
(Applicant)

cc: Mr. Lincoln Dellar, Owner
Mr. Charles F. Gray, Attorney at Law

encl: Appeal fee (check)

CITY PLANNING COMMISSION

927 10TH STREET, SUITE 300 - SACRAMENTO, CALIFORNIA 95814

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APPLICANT Robert Grant, 820 Watt Avenue, Sacramento, CA 95864
OWNER Lincoln & Sylvia Dellar, P.O. Box 5365 Santa Barbara, CA 93108
PLANS BY Robert Grant, 820 Watt Avenue, Sacramento, CA 95864
FILING DATE 2-22-85 50 DAY CPC ACTION DATE _____ REPORT BY: FG:bw
NEGATIVE DEC Ex. 15305 EIR _____ ASSESSOR'S PCL. NO. 275-031-05

APPLICATION: Variance to locate 20 of 26 required parking spaces off site in order to develop a restaurant.

LOCATION: 480 El Camino Avenue

PROPOSAL: The applicant is requesting the necessary entitlements to develop a 55-seat fast food restaurant.

PROJECT INFORMATION:

1974 General Plan Designation:	Retail-General Commercial
1984 North Sacramento Community Plan Designation:	Retail-General Commercial
Existing Zoning of Site:	C-2
Existing Land Use of Site:	Vacant

Surrounding Land Use and Zoning:
- North: Residential; R-1
- South: Commercial, Residential; C-2, R-1
- East: Residential; R-1, C-2
- West: Commercial; C-2

Parking Required:	26 spaces
Parking Provided:	6 on site; 20 off site
Property Dimensions:	50' x 145'
Property Area:	7,250 square feet
Square Footage of Building:	2,128
Height of Structure:	16± feet
Topography:	Flat
Street Improvements:	Existing
Utilities:	Available to site
Exterior Building Colors:	Tan
Exterior Building Materials:	Concrete block, wood

PROJECT EVALUATION: Staff has the following comments:

A. The subject site is zoned General Commercial (C-2) and designated for Retail-General Commercial on both the General Plan and the 1984 North Sacramento Community Plan. The surrounding uses consist of a mixture of residential and commercial uses. A Raley's Shopping Center is located to the west of the subject site.

B. The applicant is requesting a variance to locate 20 of 26 required parking spaces off site in conjunction with the development of a 2,128 square foot fast food restaurant. The applicant proposes to locate 20 spaces on the Raley's shopping center site to the west. According to information provided by the applicant, the Raley's shopping center is 40,725 square feet in size which requires 163 parking spaces. There are 207 parking spaces located on the Raley's site, an excess of 44 parking spaces.

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An agreement between the property owner and the lesee (Raley's) for 20 parking spaces has been signed and submitted. The parking agreement will run for a period of 50 years (see Exhibits D & E).

C. Staff's major concern is with the variance request. The Zoning Ordinance and State Planning Law mandates that a variance must not be a grant of a special privilege and that there must be a hardship related directly to the property which prevents development under applicable regulations. Thus, the hardship cannot be self-imposed. In this case, the applicant is proposing to develop a 7,250 square foot lot with a 2,128 square foot, 55-seat restaurant. Such a facility requires on-site parking spaces to be provided. The site has been over built and has no room for parking. Staff suggests the parcels be merged or the property lines be adjusted so that the parking will be located on the subject site. City Traffic Engineering also has concerns regarding the proposal. The followng comments were submitted:

1. Using the alley as the only access to a fast food restaurant is inappropriate. The alley is not wide enough and not properly constructed. It also is off a residential width street which is inadequate for commercial traffic.

2. The plan will encourage patrons to use the Raley's parking lot because of lack of access to El Camino Avenue.

3. The plan is likely to attract illegal parking on El Camino Avenue.

4. The encouragement of alley use and a revision of Raley's striping layout is unacceptable. Raley's lot causes problems on and off-street now. This plan does not help the situation.

No other City Departments commented on this proposal.

ENVIRONMENTAL DETERMINATION: This project is exempt from environmental review pursuant to the State EIR Guidelines (CEQA, Section 15305).

RECOMMENDATION: Staff recommends the following action:

A. Denial of the Variance to locate 20 of 26 required parking spaces off site, based on the Findings of Fact which follow:

Findings of Fact

1. Granting the Variance constitutes a special privilege granted a single property owner, in that no special circumstances exist which prohibit the applicant from redesigning his site plan or adjusting property lines.

2. Granting the Variance to locate a portion of the required parking off site would be injurious to the public welfare and other properties in the vicinity, in that:

the parking variance would further increase or further impact the parking and vehicle circulation on the Raley's parking lot.

3. The project does not conform to the North Sacramento Community Plan goal to "integrate land Use and density proposals to compliment the transportation network."

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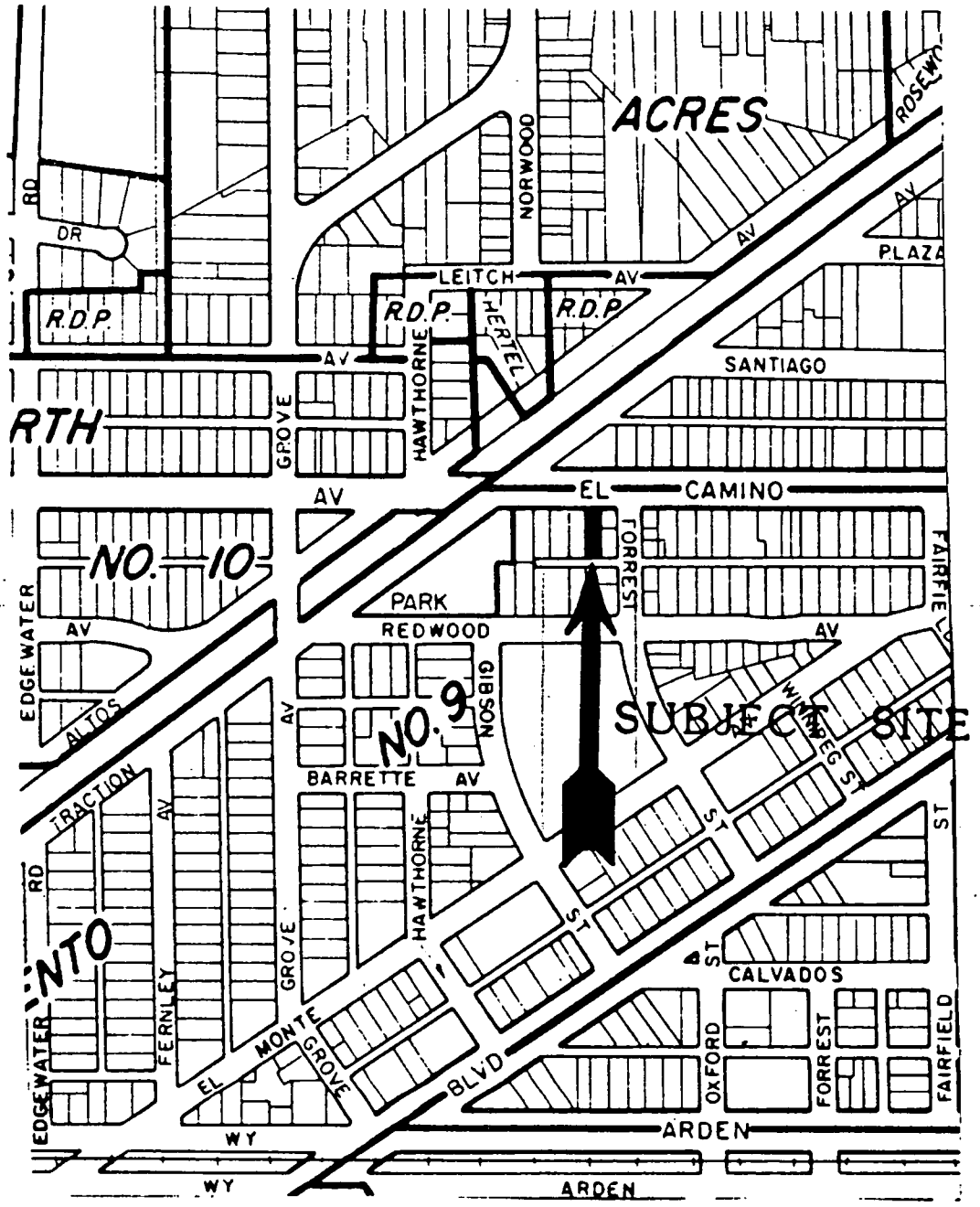

VICINITY MAP

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3-28-85

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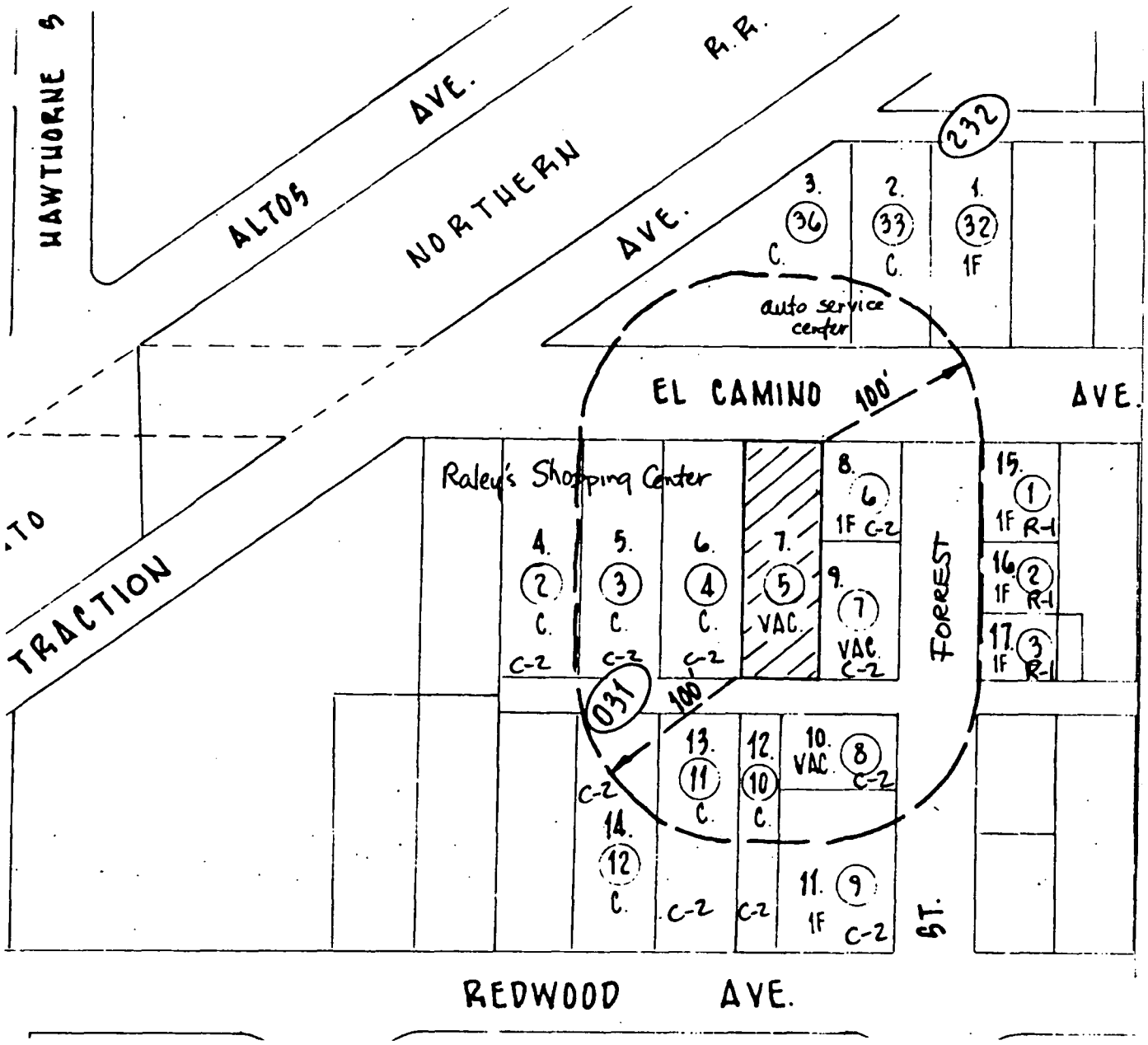

LAND USE & ZONING MAP

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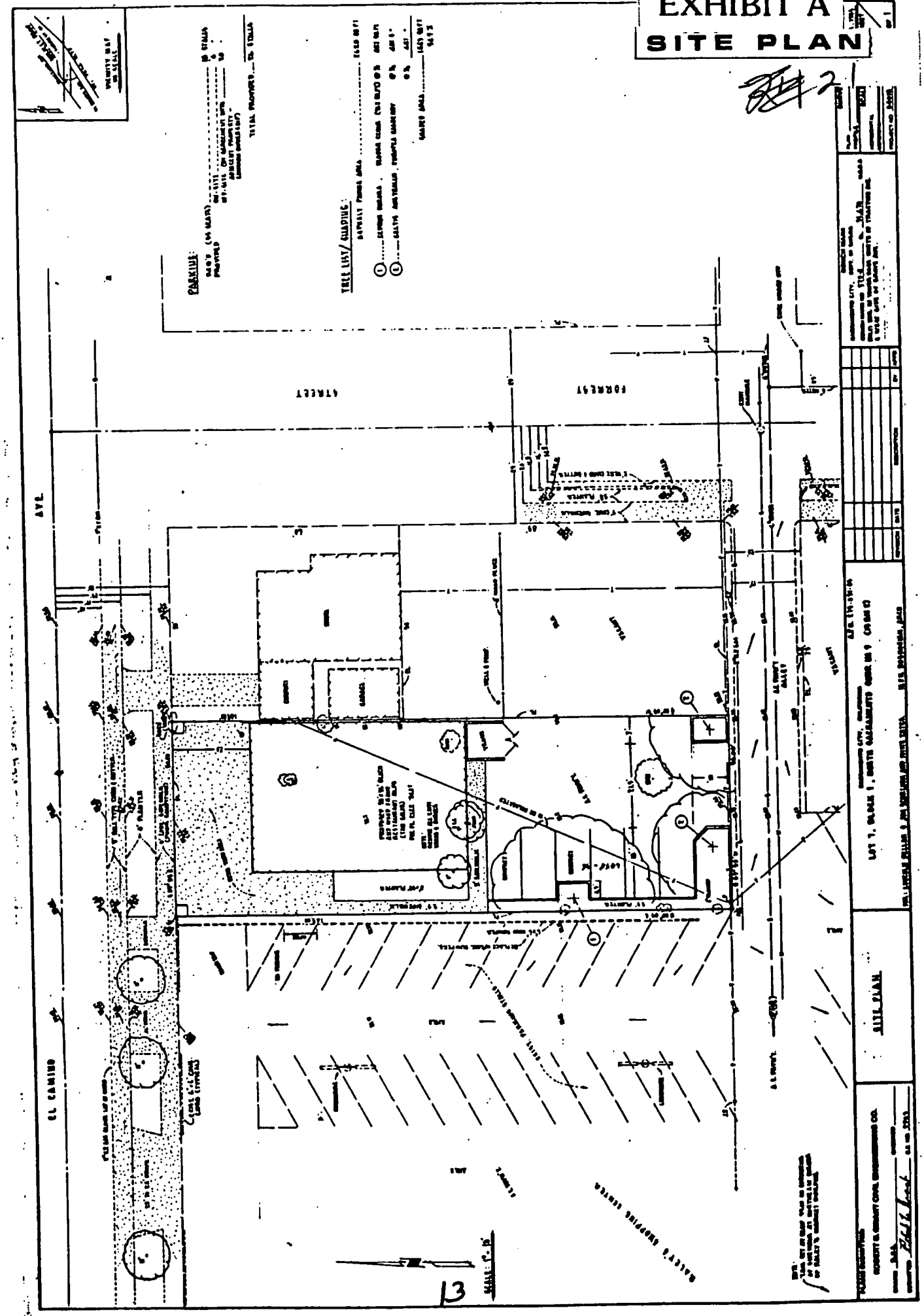
EXHIBIT A
SITE PLAN



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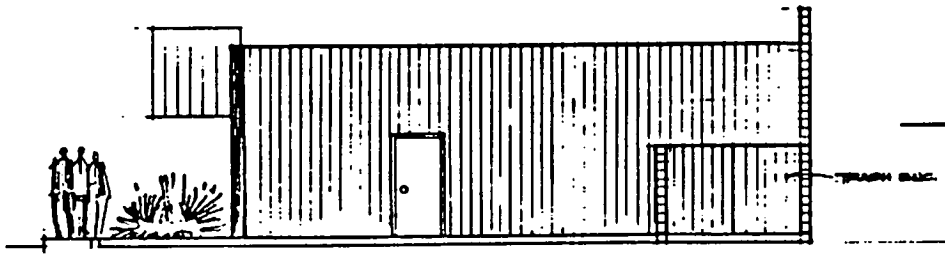
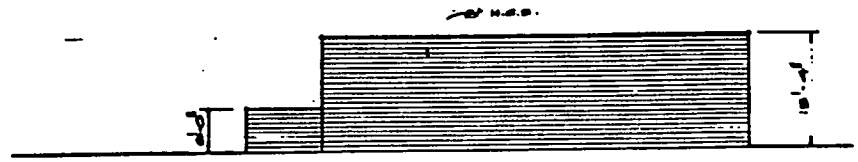
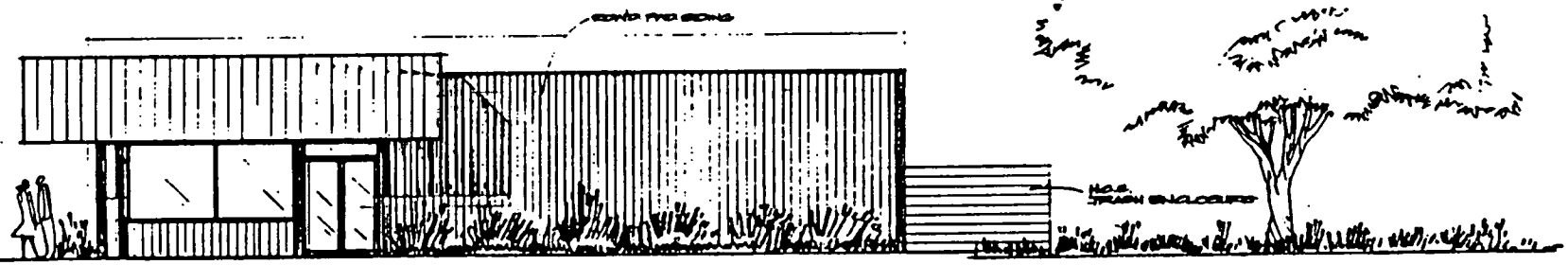


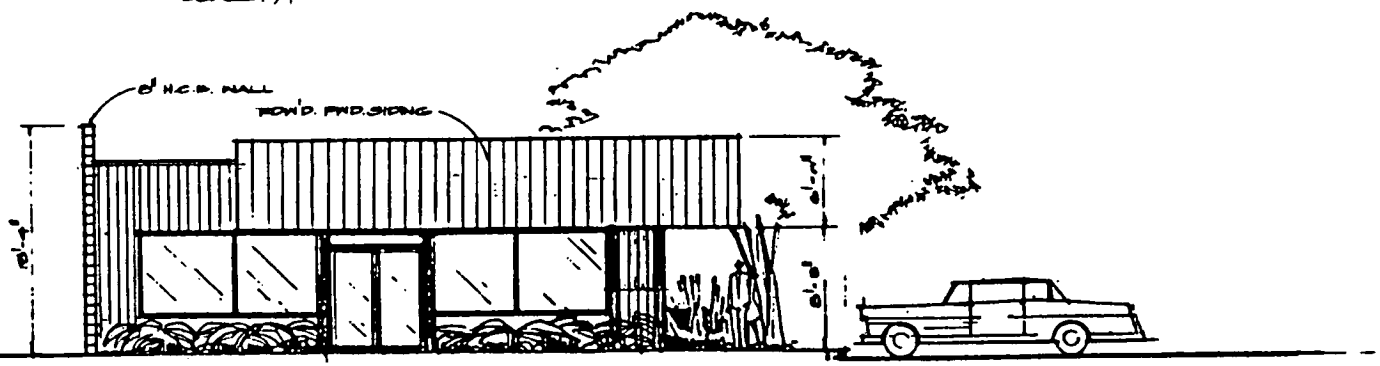
REAR ELEVATION (SOUTH)
SCALE: 1/4" = 1'-0"



LEFT ELEVATION (WEST)
SCALE: 1/8" = 1'-0"



RIGHT SIDE ELEVATION (EAST)
SCALE: 1/4" = 1'-0"



FRONT ELEVATION (NORTH)
SCALE: 1/4" = 1'-0"

EAC. PLANNING DEPT
P85-104

ELEVATIONS

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RESTAURANT

M. D. K. BOGHOSIAN

EXHIBIT B

RESTAURANT

EXHIBIT C

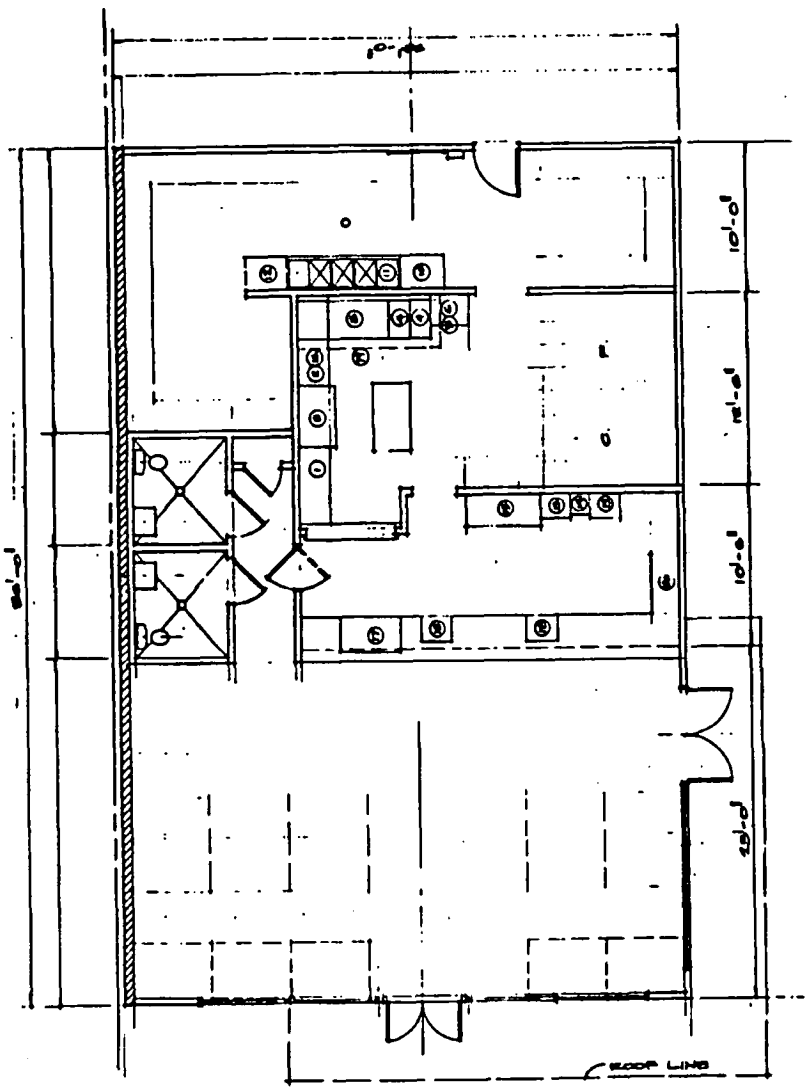
FLOOR PLANS

~~22~~ 21

GAC PLANNING DEPT.
PB5-104

EQUIPMENT SCHEDULE

1	REF. SANDWICH BAR
2	HALF STR. RAN TOASTER
3	GRILL
4	CUPBOARDS
5	TABLE TOP PREPARER
6	FRY PANS BOTTOM
7	2 COMPARTMENT SINK
8	FRIDGE MAKE-IN BUFFER
9	PREPARE MAKE-IN COOLER
10	BUSING STATION
11	3 COMPARTMENT SINK
12	DISHWASHER
13	ICE TEA DRINK MACHINE
14	DRP STAND
15	REF. TOPPING CABINET
16	MICROWAVE/CONVECTION OVEN
17	ICE MACH. & BOTT DRINK DISP.
18	2 CASH REGISTER
19	EXHAUST HOOD/FYRE EXT. EQUIP.
20	COFFEE MAKER
21	



FLOOR PLAN
SCALE: 1/4" = 1'-0"

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EXHIBIT D

~~24~~ 21

February 28, 1985

Planning Commission
City of Sacramento
927 - 10th Street
Suite 300
Sacramento, CA 95814

Attention: Mr. Gene Masuda

Re: Lot 7, North Sacramento Subdivision No. 9
El Camino Avenue, Sacramento

Gentlemen:

My wife Sylvia Dellar and I are the owners in fee of both Parcel "A" and Parcel "B" described in that certain Parking Easement Agreement dated February 20, 1985 executed by Raley's and Lincoln and Sylvia Dellar.

My wife and I hereby acknowledge and agree that Parcel "B" described in the Agreement shall have the right to use up to a maximum of twenty parking spaces of the parking area located on Parcel "A" described in the Agreement for a period of fifty years commencing on the date the notice of completion of the commercial building to be constructed on Parcel "B" is recorded.

Yours very truly,

Lincoln Dellar

LINCOLN DELLAR

Approved this

4th day of March, 1985

Sylvia Dellar

SYLVIA DELLAR

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EXHIBIT E

This Agreement made this 20 day of February, 1985 by and between RALEY'S, a corporation, (hereinafter called "RALEY'S"), and LINCOLN and SYLVIA DELLAR, husband and wife, (hereinafter called "DELLAR"):

STATEMENT OF FACTS

1. RALEY'S is the Lessee under that certain Lease dated July 1, 1958 entered into with DELLAR and ERICKSON BROS., a corporation, (hereinafter called "said Lease"). Said Lease covers Lots 1, 2, 3, 12, 14, and 16 to 19, inclusive, in Block 1 of North Sacramento, Division No. 9.

2. DELLAR has succeeded to all interest possessed by ERICKSON BROS. in the aforementioned property.

3. By Agreement dated April 30, 1963 between DELLAR and RALEY'S, the following additional property was added to the leased premises:

> Lots 5, 6, 11 and the west one-half of Lot 10 in Block 1 as shown on the "Plat of North Sacramento Subdivision No. 9" recorded April 13, 1914 in Book 15 of Maps, Map No. 2, Records of the County of Sacramento, State of California.

4. By Agreement dated March 8, 1966 between DELLAR and RALEY'S the following additional property was added to the leased premises:

> Lot 4, in Block 1 of North Sacramento Subdivision No. 9, according to the official Plat thereof filed in the office of the Recorder of Sacramento County, on the 3rd day of April, 1914, in Book 15 of Maps, Map No. 2.

5. All of the aforementioned leased premises are hereinafter called Parcel "A", and are owned by DELLAR subject to said Lease.

//

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Item

6. DELLAR owns real property immediately east of Parcel "A" described as:

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> Lot 7 in Block 1 as shown on the "Plat of North Sacramento Subdivision No. 9", recorded in the office of the County Recorder of Sacramento County, April 3, 1914 in Book 15 of Maps, Map No. 2.

Said property is hereinafter called Parcel "B".

7. It is to the mutual benefit of the parties hereto that DELLAR construct a commercial building for use as a restaurant on Parcel "B", and that each of the parties grant to the other party certain parking rights.

NOW THEREFORE IT IS AGREED:

1. RALEY'S grants to DELLAR, or his assignees, the right for customers of the commercial building to be constructed on Parcel "B" to use up to a maximum of twenty (20) parking spaces on RALEY'S parking area located on Parcel "A".

2. DELLAR grants to RALEY'S the right for customers of RALEY'S to use any parking area located on Parcel "B".

3. This Agreement will be in effect for the period beginning on the date the notice of completion of the commercial building on Parcel "B" is recorded, and ending on the date that said Lease, or any renewals thereof, expires.

4. This Agreement shall be binding upon the successors and assigns of the parties hereto.

IN WITNESS WHEREOF the parties have hereunto subscribed their names the day and year first above written.

Lincoln Dellar
LINCOLN DELLAR

Sylvia Dellar
SYLVIA DELLAR

RALEY'S, a Corporation

By Charles L. Collings
CHARLES L. COLLINGS, President

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CITY OF SACRAMENTO

OFFICE OF THE CITY CLERK
915 I STREET
CITY HALL ROOM 203
SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 449-5426

LORRAINE MAGANA
CITY CLERK

May 9, 1985

Robert U. Grant
820 Watt Avenue
Sacramento, CA 95864

On April 30, 1985, the following matter was scheduled to be heard before the City Council after having been previously continued.

> P-85104 - Appeal of Planning Commission's Denial of a Variance to locate 20 of 26 required parking spaces off-site to allow development of fast food restaurant on 0.17± acres in the General Commercial, C-2 zone for property located at 480 El Camino Avenue. (D2) (APN: 275-031-05)

This hearing has been further continued to May 21, 1985, at the hour of 7:30 p.m., and in the Council Chamber, Second Floor, City Hall, 915 "I" Street, Sacramento, California. Interested parties may appear and speak at the hearing.

Pursuant to Council Rules of Procedure 4.5(4), "No person who has twice obtained a continuance of a hearing shall be granted an additional continuance unless such person shall appear at the Council meeting at the time such hearing is scheduled, and satisfy the Council that a miscarriage of justice would result from the refusal of the Council to grant such a continuance." Continuances may be requested by the owner of the subject property, applicant, appellant, or a designee for same.

Any questions regarding this hearing should be referred to the City Planning Department, 927 Tenth Street, Sacramento, California, phone (916) 449-5604.

Sincerely,

Janice Beaman
for Lorraine Magana
City Clerk

LM/dbp
cc: Lincoln Dellan
MAILING LIST P-85104 (14)

May 28, 1985

Robert U. Grant
820 Watt Avenue
Sacramento CA 95864

Dear Mr. Grant:

On May 21, 1985, the Sacramento City Council heard your appeal from the City Planning Commission's denial of a variance to locate 20 of 26 required parking spaces off-site to allow development of fast food restaurant on 0.17± acres in the General Commercial, C-2 zone for property located at 480 El Camino Avenue.

The Council adopted, by motion, its intent to grant your appeal contingent on Findings of Fact with conditions due June 4, 1985.

Sincerely,

Anne Mason
Assistant City Clerk

AM/mls/21

cc: Planning Department
Lincoln and Sylvia Dellan, P.O. Box 5365, Santa Barbara 93108