



4.1

CITY OF SACRAMENTO

CALIFORNIA

PLANNING AND BUILDING
DEPARTMENT

PLANNING DIVISION

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ROOM 300
SACRAMENTO, CA

95814-2998

PH 916-264-5381
FAX 916-264-5328

December 8th, 2003

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: OTO'S JAPAN FOOD REZONE; P03-033

- A. Environmental Determination: Categorical Exemption 15332
- B. Rezone the site from the Standard Single-family Residential Executive Airport Overflight 4 (R-1 EA 4) zone to the General Commercial Executive Airport Overflight 4 (C-2 EA 4) zone.

LOCATION AND COUNCIL DISTRICT: 4990 Freeport Boulevard;
APN: 017-0211-009
District 4

RECOMMENDATION: Planning Staff recommends that City Council approve the above-listed entitlements by adopting the attached ordinance rezoning the project site from the Standard Single-family Residential Executive Airport Overflight 4 (R-1 EA 4) zone to the General Commercial Executive Airport Overflight 4 (C-2 EA 4) zone.

CONTACT PERSONS: Kimberly Kaufmann-Brisby, Assistant Planner, 808-5590
Thomas Pace, Senior Planner, 264-6848

FOR COUNCIL MEETING OF: January 20, 2004 (Afternoon Session)

SUMMARY: The Planning Commission approved the entitlements necessary to construct and operate Oto's Japan Food specialty market on November 13, 2003. The market will be located at the southwest corner of the intersection of Freeport Boulevard and Harian Way and will comprise 12,680 square feet of retail, warehouse and office space.

The applicant is requesting to rezone a portion of the project site from the Standard Single-family Executive Airport Overflight 4 (R-1 EA 4) zone to the General Commercial Executive Overflight 4 (C-2 EA 4) to allow the construction of a portion of the Oto's market parking lot. The City does not

typically support the rezone of residential property to commercial property because it results in a loss of housing. However, the portion of the project site proposed for rezoning has never been developed with a residential use. Rather, it was paved and utilized as a parking lot for various commercial uses for the past 30-plus years. Additionally, the residentially zoned parcel together with the two commercially zoned parcels comprising the Oto's Japan Food site are to be merged into one parcel necessitating the rezone of the residential property in order to avoid split zoning on a single parcel.

For the project site to be commercially viable the 0.21± acre residentially zoned parcel, adjacent to the commercially zoned site, is needed for parking and maneuvering. The rezone from Residential to Commercial is appropriate because it will help the commercially zoned site's viability by creating a parcel large enough to contain a specialty market and all but one required parking space.

COMMITTEE/COMMISSION ACTION: The project was initially presented to the Planning Commission on October 23, 2003. The item was continued to the November 13, 2003, hearing date and the Commission directed staff to review and resolve a number of issues with the neighbors. On November 13, 2003, the Planning Commission voted 5-0 (with three Commissioners absent and one abstention) to support staff's recommendation and approved the project after a short hearing.

BACKGROUND INFORMATION: The project is comprised of four parcels. Two of the parcels are zoned for commercial use and two are zoned for residential use. One of the residentially zoned parcels, adjacent to the two commercially zoned parcels, is proposed to be rezoned to General Commercial then merged with the commercially zoned lots to create one commercially zoned parcel. The most westerly residentially zoned parcel will be developed with a single-family residence for the owners of Oto's Japan Food.

The project was presented to the Planning Commission on October 23, 2003. The item was continued to the November 13, 2003 hearing date because the Commission directed staff to review and resolve a number of issues with the neighbors. Specific issues to be addressed were: the hours of operation and scheduling of deliveries; the gating of the parking area after hours; the restrictions on right turns onto Harian Way; the tree landscaping along Harian Way and Freeport Boulevard; and, to address existing traffic/speeding problems along Harian Way. Staff, the applicant, and owner met with neighborhood representatives on October 29th, 2003 to discuss solutions to the neighbors' concerns. The majority of the concerns have been addressed as outlined in the attached November 13, 2003 staff report.

FINANCIAL CONSIDERATIONS: This report has no fiscal implications.

ENVIRONMENTAL CONSIDERATIONS: The proposed project is categorically exempt from environmental review pursuant to CEQA Guidelines (CEQA Section 15332).


POLICY CONSIDERATIONS: The project is consistent with the General Plan and Zoning Ordinance.

Smart Growth Principles – City Council adopted a set of Smart Growth Principles in December 2001 in order to promote growth that is economically sound, environmentally friendly, and supportive of community livability. Supporting infill development focuses new development and infrastructure investments within already developed areas.

Strategic Plan Implementation – The recommended action conforms with the City of Sacramento Strategic Plan, specifically by adhering to the goal to enhance and preserve neighborhoods by directing new development (and supportive infrastructure) to existing areas, allowing for efficient use of existing facilities, features and neighborhoods.

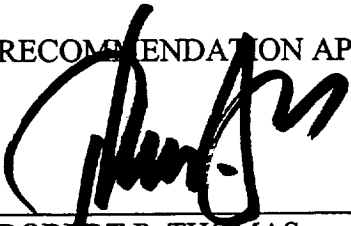
E/SBD CONSIDERATIONS: No goods or services are being purchased under this report.

Respectfully submitted,



GARY B. STONEHOUSE
Planning Director

RECOMMENDATION APPROVED:



ROBERT P. THOMAS
City Manager

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ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY ORDINANCE NO 99-015, AS AMENDED, BY REMOVING PROPERTY LOCATED NEAR THE NORTHWEST CORNER OF THE INTERSECTION OF FREEPORT BOULEVARD AND HARIAN WAY FROM THE STANDARD SINGLE-FAMILY EXECUTIVE AIRPORT OVERFLIGHT 4 (R-1 EA 4) ZONE AND PLACING THE SAME IN THE GENERAL COMMERCIAL EXECUTIVE AIRPORT OVERFLIGHT 4 (C-2 EA 4) ZONE.

(APN: 017-0211-009) (P03-033)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

The territory described in the attached exhibit which is located as described above, as established by Ordinance No. 99-015, as amended, is hereby removed from the Standard Single-family Executive Airport Overflight 4 (R-1 EA 4) zone and placed in the General Commercial Executive Airport Overflight 4 (C-2 EA 4) zone. This action rezoning the property described in the attached exhibit is adopted subject to the following conditions and stipulations:

- a. A material consideration in the decision of the Planning Commission to recommend and the City council to approve rezoning of the applicant's property is the development plans and representations submitted by the applicant in support of this request. It is believed said plans and representations are an integral part of such proposal and should continue to be the development program for the property.
- b. If an application for a building permit or other construction permit is filed for said parcels which is not in conformity with the proposed development plans and representations submitted by the applicant and as approved by the Planning Commission on November 13, 2003, on file in the office of the Planning Division, or any provision or modification thereof as subsequently reviewed and approved by the Planning Commission, no such permit shall be issued, and the Planning Division shall report the matter to the Planning Commission as provided for in Ordinance No. 99-015, as amended.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED _____

SECTION 2

The City Clerk of the City Of Sacramento is hereby directed to amend the maps that are a part of said Ordinance No. 99-015, as amended, to conform to the provisions of this Ordinance.

SECTION 3

Rezoning of the property described in the attached exhibit by the adoption of this Ordinance shall be deemed to be in compliance with the procedures for the rezoning of property described in Ordinance No. 99-015, as amended, as said procedures have been affected by recent court decisions.

PASSED FOR PUBLICATION:

PASSED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

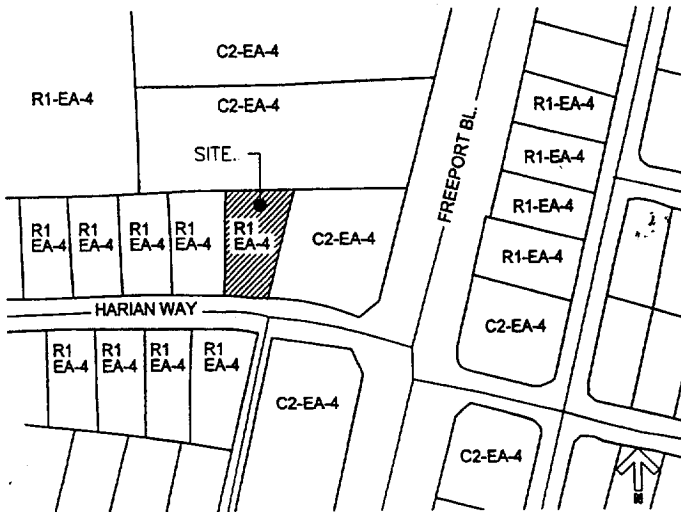
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FOR CITY CLERK USE ONLY

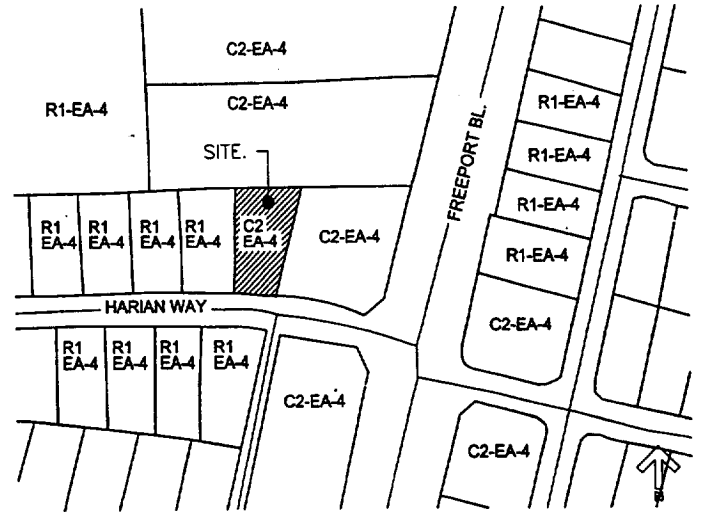
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DATE ADOPTED: _____

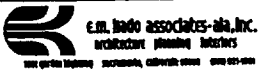
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EXISTING ZONING DESIGNATION:
 R1-EA-4
 STANDARD SINGLE FAMILY ZONE
 SACRAMENTO EXECUTIVE AIRPORT OVERLAY - OVERFLIGHT ZONE
 ACREAGE OF PARCEL: .207 ACRES



PROPOSED ZONING DESIGNATION:
 C2-EA-4
 GENERAL COMMERCIAL ZONE
 SACRAMENTO EXECUTIVE AIRPORT OVERLAY - OVERFLIGHT ZONE



OTO'S JAPAN FOOD
 FREEPORT BLVD. SACRAMENTO, CA

REZONE EXHIBIT - APN: 017-0211-009

SITEMAP
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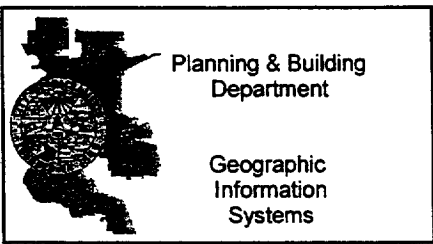
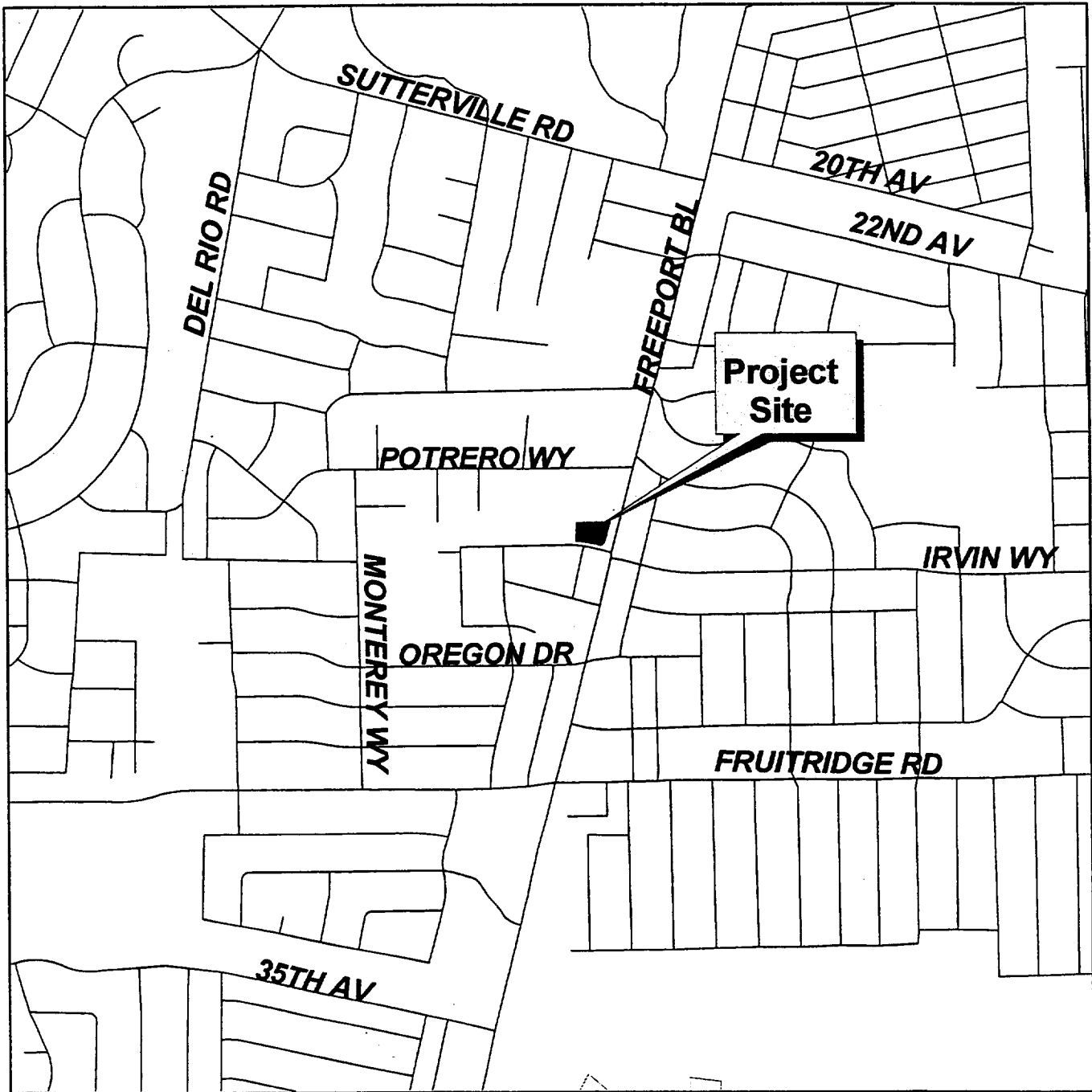
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FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED _____



**Vicinity Map
for
Oto's Japan Food**



**CITY PLANNING COMMISSION
HEARING ITEM**

CPC AGENDA DATE: November 13, 2003

Item No.	Project No.	Title/Location	Action: Approved/Denied
1.	P03-033	Oto's Japan Food located at 4990 Freeport Blvd.	APPROVED
ACTION			

NOTE OF THE PLANNING COMMISSION:

COMMISSIONER	ABSTAIN			ABSTAIN			ABSTAIN
	Y	N	M	Y	N	M	
Bacchini	-	-	-	-	-	-	ABSTAIN
Banes	✓		M				
Duruisseau	✓		S				
Jones	-	-	-	-	-	-	-
Harvey	-	-	-	-	-	-	-
Kennedy	✓						
Taylor-Carroll	✓						
Vallencia	-	-	-	-	-	-	-
Waste	-	-	-	-	-	-	-
Yee	✓						

*** List "Proponents" and Opponents" on reverse side of this page****

P03-033 Oto's Japan Food

- REQUEST:**
- A. Environmental Determination:** Categorical Exemption;
 - B. Rezone** of 0.21± acres from the Standard Single-family Executive Airport Overflight 4 (R-1 EA4) zone to the General Commercial Executive Airport Overflight 4 (C-2 EA4) zone;
 - C. Special Permit** allowing the sale of alcoholic beverages for off-site consumption;
 - D. Special Permit** to reduce the required number of parking spaces by one (1) parking space;
 - E. Variance** reducing the required front setback in the Standard Single-family Executive Airport Overflight 4 (R-1 EA4) zone from 25-feet to 20-feet;
 - F. Lot Merger** creating one parcel from three;
 - G. 65402 Review** for the abandonment of a 20' public utility easement

LOCATION: 4990 Freeport Boulevard
APNs: 017-0211-012, 008, 009
Sacramento City Unified School District
Council District 4

APPLICANT: E. M. Kado Associates AIA Inc.-Susan Moe
1661 Garden Highway
Sacramento, CA 95833
916-921-1661, ext. 20

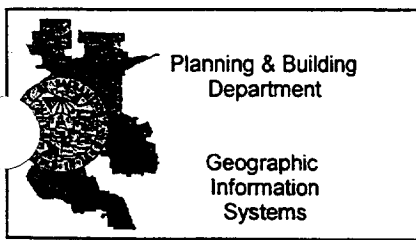
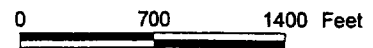
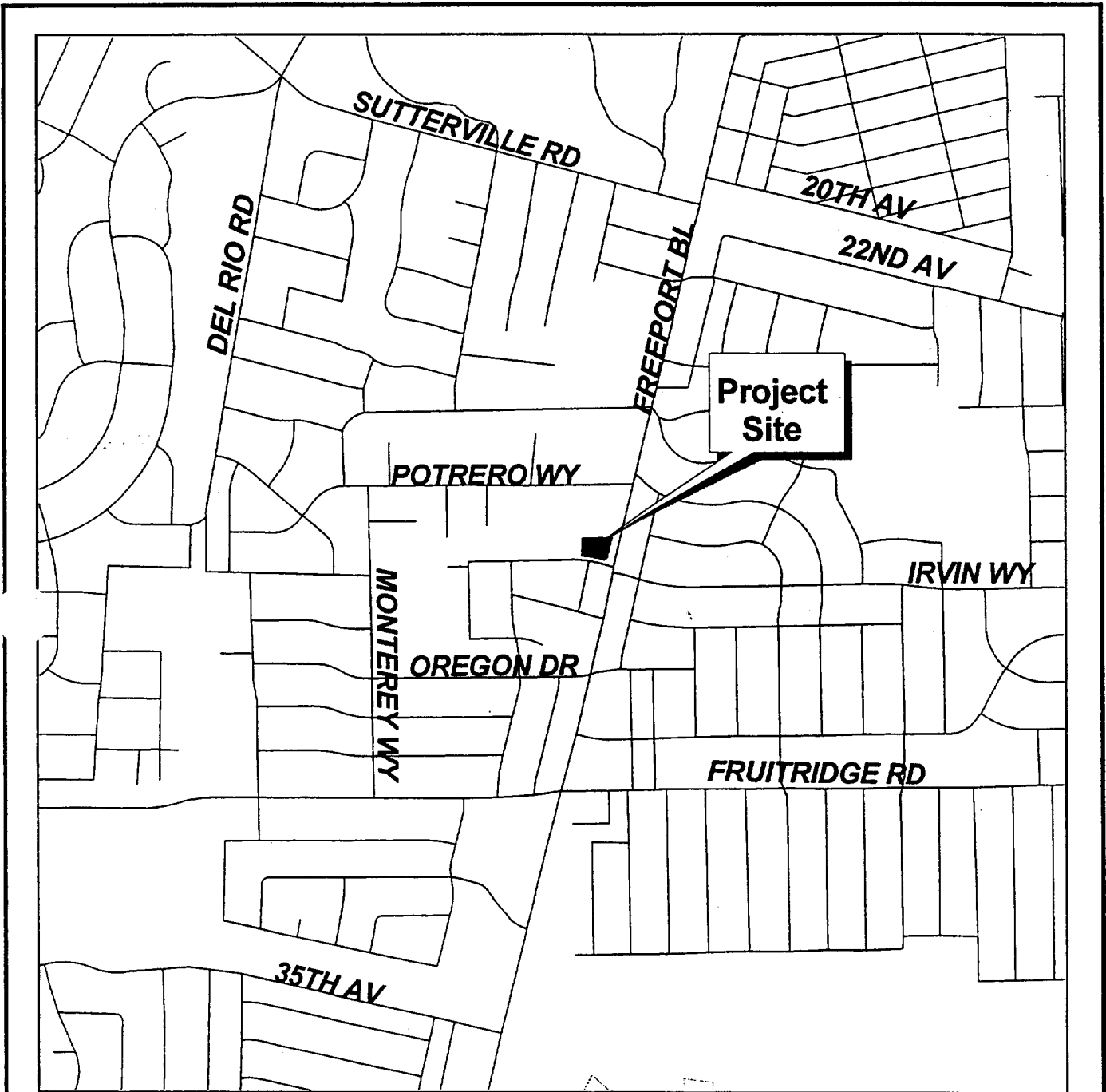
OWNER: Oto's Japan Food, Incorporated
5770 Freeport Blvd., #49
Sacramento, CA 95822

APPLICATION FILED: March 4, 2003

APPLICATION COMPLETED: April 3, 2003

STAFF CONTACT: Kimberly Kaufmann-Brisby, 916-808-5590

SUMMARY: The applicant is requesting various entitlements to construct a market and an adjacent single-family residence in the General Commercial Executive Airport Overflight 4 (C-2 EA4) zone and the Standard Single-family Executive Airport Overflight 4 (R-1 EA4) zones. The project is comprised of four parcels. Two of the parcels are zoned for commercial use and two are zoned for residential use.



**Vicinity Map
for
Oto's Japan Food**



One of the residentially zoned parcels, adjacent to the two commercially zoned parcels, is proposed to be rezoned to General Commercial then merged with the other two commercially zoned lots to create one commercially zoned parcel. The remaining residentially zoned parcel will be developed with the residence for the owners of Oto's Japan Food.

RECOMMENDATION: Staff recommends approval of the project, subject to conditions in the Notice of Decision. This recommendation is based on the project's consistency with the General Plan land use designation and policies and substantial compliance with Zoning Ordinance requirements.

PROJECT INFORMATION:

General Plan Designation: Community/Neighborhood Commercial and Office and Low Density Residential (4-15 du/na)
 Existing Land Use of Site: Vacant commercial building and vacant lot
 Existing Zoning of Site: General Commercial Executive Airport Overflight 4 and Standard Single-family Executive Airport Overflight 4 zones

Surrounding Land Use and Zoning:

North: discount drug store; C-2 EA 4
 South: residential and commercial strip mall; R-1 EA 4 and C-2 EA 4
 East: residential and auto repair shop; R-1 EA 4 and C-2 EA 4
 West: residential; R-1 EA 4

C-2 EA 4 Setbacks:Required Provided

Front:	7.5'	7.5'
Side(St):	5'	6.3±'
Side(Int):	0'	49±'
Rear:	15'	69.3±'

R-1 EA 4 Setbacks:Required Provided

Front:	25'	20'
Side(St):	na	na
Side(Int):	5'	5.25±' and 12±'
Rear:	15'	15.4±'

Property Dimensions: Irregular
 Property Area: 0.83± gross acres
 0.83± net acres
 Square Footage of Building: 12,880 square feet overall
 Height of Building: 26.5±'

Height of Sign Tower:	34.5±'
Exterior Building Materials:	Stucco with stone veneer wainscot on columns
Roof Material:	Ceramic Glazed Oriental-style clay tile
Hours of Operation:	9 a.m. to 7 p.m., seven days a week
Parking Provided:	32 spaces
Parking Required:	33 spaces
Topography:	Flat
Street Improvements:	Existing and To Be Constructed
Utilities:	Existing and To Be Constructed

OTHER APPROVALS REQUIRED: In addition to the entitlements requested, the applicant will also need to obtain the following permits or approvals, including, but not limited to:

<u>Permit</u>	<u>Agency</u>
Certificate of Compliance	Public Works, Development Services
Demolition Permit	Planning and Building Department
Driveway Permit	Public Works, Development Services
Off-site Improvements	Public Works, Plan Check
ABC License	California Department of Alcoholic Beverage Control (ABC) (if not transferring current license)
Building Permit	Building Division
Encroachment Permit	Public Works, Development Services

BACKGROUND INFORMATION: A review of project entitlement history revealed no recent entitlement history for the project site.

STAFF EVALUATION: Staff has the following comments:

A. Policy Considerations

The proposed land use is consistent with the General Plan land use designation of Community Neighborhood Commercial and Offices and Low Density Residential. The zoning of the parcels is General Commercial Executive Airport Overflight 4 (C-2 EA 4) and Standard Single Family Executive Airport Overflight 4 (R-1 EA 4) zones. With approval of the proposed rezone the project will be consistent with the General Plan land use and zoning designations. The proposed retail use is allowed by right in the General Commercial Executive Airport Overflight 4 (C-2 EA 4) zone, however the proposed sale of alcoholic beverages for off-site consumption and the parking reduction both require the approval of a Special Permit.

General Plan

The project supports General Plan goals relating to reuse and revitalization of commercial areas. Specifically the project supports the following General Plan goals:

- Promote the reuse and revitalization of existing developed areas, with special emphasis on commercial and industrial districts. (SGPU Sec. 4-1, Goal B)
- Promote economic vitality and diversification of the local economy. (SGPU Sec. 4-1, Goal D)

The project proposes to demolish a commercial building that has been vacant for a number of years in order to construct the proposed Oto's Japan Food thereby reusing and revitalizing the corner. Oto's Japan Food is an ongoing enterprise operating as a Japanese specialty food store north of the proposed site on Freeport Boulevard. The relocation will serve a dual purpose of revitalizing a previously "dead" corner with an ongoing specialty market with a known customer base and will provide another shopping alternative to the public.

B. Rezone

The applicant proposes to rezone one vacant 0.21± acre parcel, adjacent to the existing commercially zoned property, from the Standard Single-family Residential Executive Airport Overflight 4 (R-1 EA 4) zone to the General Commercial Executive Airport Overflight 4 (C-2 EA 4) zone. The proposed change to the C-2 EA 4 zone allows for the accommodation of required parking and maneuvering area plus provides room for landscaping between the project's commercial and residential uses.

Planning staff is supportive of the proposed rezone, as the lot has been paved and striped as a parking lot for several decades and the area is needed for parking to make the current proposal viable. The proposed rezone would bring the proposed land use as a parking lot and the proposed General Commercial Executive Airport Overflight 4 (C-2 EA 4) zoning into compliance.

C. Special Permit allowing the sale of alcoholic beverages for off-site consumption

The Zoning Ordinance requires the approval of a Special Permit in order to sell alcoholic beverages in the General Commercial zone. The Special Permit requirement does not apply to stores with a gross floor area of 15,000 square feet or more provided the total shelving allocated to alcohol sales does not exceed ten percent of the total shelving space. Oto's Japan Food has a gross floor area of 12,880 square feet necessitating the Special Permit request.

Additionally, although the current Oto's Japan Food sells alcoholic beverages and will transfer the existing ABC license, any previous City entitlement allowing for the sale of the beverages will remain with the former store location, necessitating the current Special Permit request.

In reviewing the Special Permit for the off-site sale of alcoholic beverages request, the Planning Commission is to consider whether the proposed sale of alcohol will detrimentally affect nearby residentially zoned areas, and to consider the proximity of the store to residential buildings, churches, schools, hospitals, public parks and playgrounds, child care centers, social services, and other similar uses.

Oto's Japan Food will be located at the intersection of Freeport Boulevard and Harian Way in an urban setting. The market has commercial uses to the north, east and south with residential uses to the west and to the south.

The Police Department has determined the sale of beer and wine to be acceptable at this location. Given the market's reputation for maintaining a clean and attractive facility at the current facility as well as the conditions that will be placed on the size and quantity of alcoholic beverages to be sold, staff has no objection to the sale of alcoholic beverages.

D. Special Permit to reduce the required number of parking spaces

The applicant is requesting to waive one (1) of the project's required parking spaces. The retail portion of the market consists of 7,086 square feet, the warehouse has 3,435 square feet, and the office has 706 square feet. According to the Zoning Ordinance, the retail portion of the store requires 28 spaces, based on a ratio of 1 space per 250 square feet. The warehouse portion requires a ratio of 1 space per 1,000 square feet or 3 spaces and the office area was calculated at the minimum requirement of 1 space per 400 square feet for 2 spaces for a project total of 33 required parking spaces.

The parking is configured to surround the store on the north and west sides with entry provided off Freeport Boulevard to the east and Harian Way to the south. The ADA accessible parking will be directly proximate to the north entry door. A second store entry will be provided at the southeast corner of the store providing ready foot traffic access to the neighborhood as well as access to patrons parking in the west parking area.

Staff supports the requested waiver of one parking space because as an infill project space is limited and the applicant will be developing the site according to current development standards. Among the design requirements is the Public Works entryway throat depth requirement off Freeport Boulevard of 40-feet. In order to accommodate the throat depth requirement, the applicant eliminated one

parking space along the northeast portion of the site, thereby, reducing the available parking to 32 spaces.

E. Variance reducing the Required Front Setback

The residential parcel lies directly west and adjacent to the Oto's Japan Food site and fronts onto Harian Way. The Zoning Ordinance setback requirements for the R-1 zone are: front yard-25 feet; street side yard setback-12.5 feet; interior side yard setback-5 feet; rear yard setback-15 feet.

The proposed residence will be oriented facing Harian Way. A covered porch would encroach into the front setback by five feet and require the approval of a Variance to reduce the required front setback in the Standard Single-family Executive Airport Overflight 4 (R-1 EA 4) zone from 25 feet to 20 feet. The house proper is within all required setbacks with the garage located at the rear of the site, only the covered porch will encroach into the required setback area, therefore, staff is in support of the Variance request.

F. Lot Merger

The proposed Lot Merger will combine three parcels, under the same ownership, in the General Commercial Executive Airport Overflight 4 (C-2 EA 4) zone. Because the applicant proposes to construct the store and parking lot across all of the commercially zoned parcels a parcel merger is required. The size and orientation of the resulting parcel is consistent and compatible with the existing pattern of commercial development in the vicinity.

The project, as conditioned, would preserve the location of existing street and utility easements and would conform to the requirements of the General Plan, Zoning Ordinance, Subdivision Regulations, and Building Code. Staff therefore recommends approval of the Lot Merger. The requested Lot Merger meets the findings required under §16.20.050 of the City Code. See the findings included in Attachment 1, Notice of Decision and Findings of Fact.

G. 65402 Review for the abandonment of a 20' public utility easement

The applicant has applied to the City's Public Works Department requesting the City abandon a 20-foot wide public utility easement located within the project site. The easement is located within an alleyway that was previously abandoned.

Pursuant to Sacramento City Code Section 2.112.070 and California Government Code Section 65402, the proposed abandonment must be submitted to the Planning Commission for a determination of conformity with the General Plan.

In reviewing the requested abandonment of the utility easement, staff has determined that the abandonment is consistent with the General Plan Public

Utilities and Services Element goal to "Design public facilities in such a manner as to ensure safety and attractiveness" (SPGU Sec. 7-2, Goal E). The site currently has several above ground utility poles within the existing easement that will be placed underground in the new easement thereby maintaining service to the area and removing unattractive utility poles.

The abandonment will not impact the utility service to the area because the existing utilities within the easement will be relocated to an easement to be dedicated prior to the issuance of building permits. Therefore staff finds the proposed utility easement abandonment to be consistent with the General Plan.

PROJECT REVIEW PROCESS:

A. Environmental Determination

Public Works staff reviewed the project for possible traffic impacts. After reviewing the estimated peak hour trips generated from the proposed project and the existing roadway capacity in the project vicinity, staff determined that the existing roadway network has the ability to accommodate the new project trips and that the project will not have the potential to cause traffic impacts.

The project is consistent with the General Plan designation of Community/Neighborhood Commercial and Offices as well as the zoning designations of General Commercial Executive Airport Overflight 4 and Standard Single-family Executive Airport Overflight 4 zones. The project consists of less than five acres, is within the city limits and is surrounded by urban uses. The project site has no value as habitat for endangered, rare, or threatened species and the site can be adequately served by all required utilities and public services. Given that there will be no traffic impacts and there are no other environmental issues, the proposed project has been determined to be categorically exempt as an infill project from environmental review pursuant to CEQA Guidelines (CEQA Section 15332).

B. Public/Neighborhood/Business Association Comments

Early Project Notification was sent to the Hollywood Park Neighborhood Association and the Land Park Neighborhood Association. Staff spoke with two representatives of the Land Park Neighborhood Association on separate occasions, with the representatives indicating their comments would be forthcoming, however, to date staff has received no comments from either neighborhood group. Staff has received two calls from neighbors opposing the project. On October 10, 2003, staff representatives from Planning, Public Works, the Fire department, the applicant and the owner of the project met with some of the neighbors to discuss their concerns regarding the project. The neighbors are concerned about traffic impacts and vehicular access off Harian Way, refuse

maintenance, store maintenance, and increasing crime rates caused by the market.

Public Works staff reviewed the project's potential traffic impacts and determined that there would be none and that the traffic routing would be better accommodated via the two access points to the site from Freeport Boulevard and Harian Way. The market is providing a gated walk-in trash enclosure with two 4-cubic yard capacity trash bins, one for rubbish and one for recyclables. The schedule for refuse removal will be a minimum of twice a week and with plans for more frequent removal as needed. The Police department has reviewed the project and has not indicated that any additional security procedures, other than the typical security conditions be placed on the project.

C. Summary of Agency Comments

The project has been reviewed by several City Departments and other agencies. The comments have been incorporated as conditions of approval and are listed in the Notice of Decision and Findings of Fact.

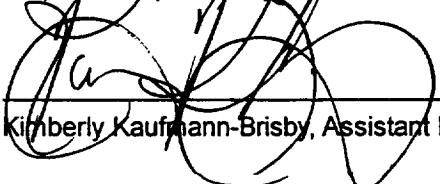
PROJECT APPROVAL PROCESS: Of the entitlements below, Planning Commission has the authority to approve or deny A, C, D, E, F and G. The Planning Commission action may be appealed to the City Council. The appeal must occur within 10 calendar days of the Planning Commission action. Item B, below, requires City Council approval.

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

- A. Adopt the attached Notice of Decision and Findings of Fact that finds the project to be Categorically Exempt pursuant to CEQA Section 15332;
- B. Adopt the attached Notice of Decision and Findings of Fact recommending approval of the Rezone of 0.21± acres from the Standard Single-family Executive Airport Overflight 4 (R-1 EA4) zone to the General Commercial Executive Airport Overflight 4 (C-2 EA4) zone;
- C. Adopt the attached Notice of Decision and Findings of Fact approving the Special Permit allowing the sale of alcoholic beverages for off-site consumption;
- D. Adopt the attached Notice of Decision and Findings of Fact approving the Special Permit to reduce the required number of parking spaces by one (1) parking space;


- E. Adopt the attached Notice of Decision and Findings of Fact approving the Variance reducing the required front setback in the Standard Single-family Executive Airport Overflight 4 (R-1 EA4) zone from 25-feet to 20-feet;
- F. Adopt the attached Notice of Decision and Findings of Fact approving the Lot Merger creating one parcel from three;
- G. Adopt the attached Notice of Decision and Findings of Fact approving the 65402 Review for the abandonment of a 20' public utility easement

Report Prepared By,



Kimberly Kaufmann-Brisby, Assistant Planner

Report Reviewed By,



Thomas S. Pace, Senior PlannerAttachments

Attachment 1	Notice of Decision & Findings of Fact
Exhibit 1A	Site Plan
Exhibit 1A.1	Enlarged Site Plan
Exhibit 1B	Floor Plans
Exhibit 1C	Elevations
Exhibit 1D	Lot Merger Exhibit
Exhibit 1E	Easement Abandonment Exhibit
Exhibit 1F	Rezone Ordinance and Exhibit
Attachment 2	Land Use & Zoning Map

P03-033 Oto's Japan Food

- REQUEST:**
- A. **Environmental Determination:** Categorical Exemption;
 - B. **Rezone** of 0.21± acres from the Standard Single-family Executive Airport Overflight 4 (R-1 EA4) zone to the General Commercial Executive Airport Overflight 4 (C-2 EA4) zone;
 - C. **Special Permit** allowing the sale of alcoholic beverages for off-site consumption;
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 - E. **Variance** reducing the required front setback in the Standard Single-family Executive Airport Overflight 4 (R-1 EA4) zone from 25-feet to 20-feet **-WITHDRAWN BY STAFF;**
 - F. **Lot Merger** creating one parcel from three;
 - G. **65402 Review** for the abandonment of a 20' public utility easement

LOCATION: 4990 Freeport Boulevard
APNs: 017-0211-012, 008, 009
Sacramento City Unified School District
Council District 4

APPLICANT: E. M. Kado Associates AIA Inc.-Susan Moe
1661 Garden Highway
Sacramento, CA 95833
916-921-1661, ext. 20

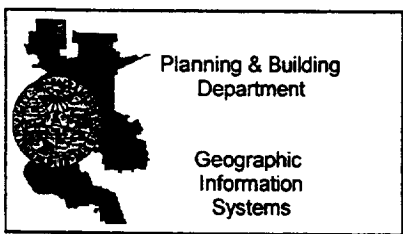
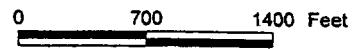
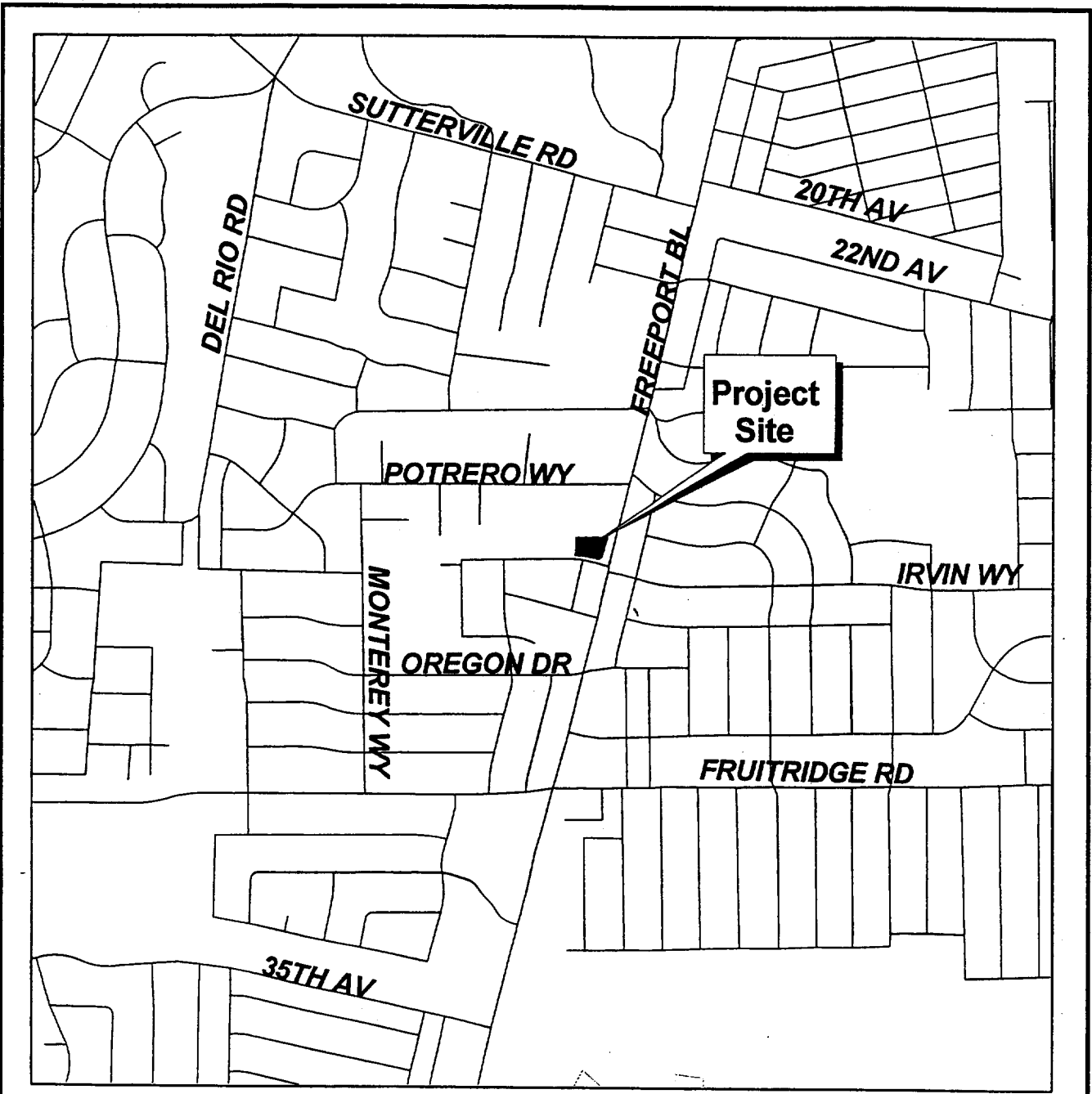
OWNER: Oto's Japan Food, Incorporated
5770 Freeport Blvd., #49
Sacramento, CA 95822

APPLICATION FILED: March 4, 2003

APPLICATION COMPLETED: April 3, 2003

STAFF CONTACT: Kimberly Kaufmann-Brisby, 916-808-5590

SUMMARY: The applicant is requesting various entitlements to construct a market and an adjacent single-family residence in the General Commercial Executive Airport Overflight 4 (C-2 EA4) zone and the Standard Single-family Executive Airport Overflight 4 (R-1 EA4) zones. The project is comprised of four parcels. Two of the parcels are zoned for commercial use and two are zoned for residential use.



Vicinity Map
for
Oto's Japan Food



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One of the residentially zoned parcels, adjacent to the two commercially zoned parcels, is proposed to be rezoned to General Commercial then merged with the other two commercially zoned lots to create one commercially zoned parcel. The remaining residentially zoned parcel will be developed with the residence for the owners of Oto's Japan Food.

RECOMMENDATION: Staff recommends approval of the project, subject to conditions in the Notice of Decision. This recommendation is based on the project's consistency with the General Plan land use designation and policies and substantial compliance with Zoning Ordinance requirements and a general consensus of approval from the neighbors.

BACKGROUND INFORMATION: The project was presented to the Planning Commission on October 23, 2003. The item was continued to the November 13, 2003 hearing date and the Commission directed staff to review and resolve a number of issues with the neighbors. Specific issues to be addressed were: the hours of operation and scheduling of deliveries; the gating of the parking area after hours; the restrictions on right turns onto Harian Way; the tree landscaping along Harian Way and Freeport Boulevard, and; to address existing traffic/speeding problems along Harian Way. Staff, the applicant, and owner met with neighborhood representatives on October 29th, 2003 to discuss solutions to the neighbors' concerns. The majority of the concerns have been addressed as outlined below.

STAFF EVALUATION: Staff has the following comments:

A. Hours of Operation, delivery schedule

The applicant provided a schedule of deliveries and of trash removal to the meeting attendees. The applicant proposes to be open for business from 9 a.m. to 7 p.m., Monday through Saturday, and from 11 a.m. to 5 p.m. on Sunday. Staff had originally stated the Sunday hours to be from 9 a. m. to 7 p.m. which was in error. All parties in attendance agreed to the proposed retail schedule.

The hours of delivery are to be limited to:

45' tractor trailer (fresh fish/seafood)	Mon., Weds., Fri.	btwn. 9 and 10 a.m.
45' tractor trailer (fresh fish/seafood)	Once a month	btwn. 9 and 10 a.m.
16 foot Bobtail (max. of 3/day)	Mon – Fri.	btwn. 8 a.m. and 3 p.m.

In addition, all truck maneuvering is to take place on-site, with the fish deliveries limited to using only the store's west service door.

Currently the trash removal service is scheduled for pickup before 8 a.m. on Monday, Wednesday and Friday. The applicant has agreed to revise the pickup to no earlier than 8 a.m., on any pick-up day. The applicant and the neighbors were in agreement on this point.

B. Parking Lot Gating After hours

In order to remove the parking area access from unwanted after hours visits and cut-through traffic, the applicant has agreed to gate the parking lot both off Freeport Boulevard and off Harian Way. The gates will be wrought iron construction and will roll and lock into place at both access points. The gate's pivot point off Freeport Boulevard will be placed on Oto's property near the southeastern corner of the adjacent Rite Aid store will and lock into place in the finger planter (Exhibits 1B and 1C). The rolling gate off Harian Way will be attached to the southwestern corner of the building and will lock into place at the planter west of the driveway.

Neighbor concerns were voiced regarding the anticipated security problems created with the construction of the 6-foot tall masonry wall between the residence and the Rite Aid to the north. Since the "tunneling effect" created by the two parallel walls will be on the Rite Aid property, staff is unable to condition any sort of closure for that area. However, the project has been conditioned to illuminate the parking areas to Police Department standards. Additionally the new residence will be occupied by the owners of Oto's providing additional eyes and ears for the area in question.

C. Vehicle Restrictions on to Harian Way

Public Works staff advised against the construction of a physical barrier limiting turns in and out of the driveway. After much discussion regarding the advisability and enforceability of restricting all right-hand turns out of Oto's Harian Way drive a compromise was reached. There was general agreement among the neighbors that a sign restricting right turns by delivery vehicles would be an acceptable alternative. The applicant has agreed and the project will be conditioned accordingly.

D. Landscaping Along Harian Way and Freeport Boulevard

The applicant has agreed to work with the interested neighbors to develop the landscaping scheme along both street frontages. The 7.5' wide planters will accommodate many tree species that will soften the store's façade and add greenery to the frontage. The project will be conditioned to provide a landscaping plan with tree selections made from the adopted "Parking Lot Tree Shading Design and Maintenance Guidelines" (Res. 2003-408) for staff approval prior to issuance of building permits.

E. Existing Traffic/speeding Problems along Harian Way

The neighbors voiced concerns regarding existing speeding problems and anticipated parking issues on Harian Way and had requested that parking be

restricted on both sides of Harian Way. Public Works staff has determined that restricting parking along the north side of Harian Way would be appropriate however the project cannot restrict parking on the south side of Harian Way. The project will be conditioned to provide "No Parking" signs along the north side of Harian Way between Freeport Boulevard and Oto's Harian Way driveway.

Regarding existing traffic/speeding issues along Harian Way, Public Works staff is in the process of determining if Harian Way would qualify for the implementation of traffic calming. Several of the neighbors have requested that speed bumps or undulations be installed, however, at the writing of this report, staff had not determined whether the street qualified.

PROJECT REVIEW PROCESS:

A. Environmental Determination

Public Works staff reviewed the project for possible traffic impacts. After reviewing the estimated peak hour trips generated from the proposed project and the existing roadway capacity in the project vicinity, staff determined that the existing roadway network has the ability to accommodate the new project trips and that the project will not have the potential to cause traffic impacts as defined in the California Environmental Quality Act (CEQA).

The project is consistent with the General Plan designation of Community/Neighborhood Commercial and Offices as well as the zoning designations of General Commercial Executive Airport Overflight 4 and Standard Single-family Executive Airport Overflight 4 zones. The project consists of less than five acres, is within the city limits and is surrounded by urban uses. The project site has no value as habitat for endangered, rare, or threatened species and the site can be adequately served by all required utilities and public services. Given that there will be no traffic impacts and there are no other environmental issues, the proposed project has been determined to be categorically exempt as an infill project from environmental review pursuant to CEQA Guidelines (CEQA Section 15332).

B. Summary of Agency Comments

The project has been reviewed by several City Departments and other agencies. The comments have been incorporated as conditions of approval and are listed in the Notice of Decision and Findings of Fact.


PROJECT APPROVAL PROCESS: Of the entitlements below, Planning Commission has the authority to approve or deny A, C, D, E, F and G. The Planning Commission action may be appealed to the City Council. The appeal must occur within 10 calendar days of the Planning Commission action. Item B, below, requires City Council approval.

requires City Council approval.

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

- A. Adopt the attached Notice of Decision and Findings of Fact that finds the project to be Categorically Exempt pursuant to CEQA Section 15332;
- B. Adopt the attached Notice of Decision and Findings of Fact recommending approval of the Rezone of 0.21± acres from the Standard Single-family Executive Airport Overflight 4 (R-1 EA4) zone to the General Commercial Executive Airport Overflight 4 (C-2 EA4) zone;
- C. Adopt the attached Notice of Decision and Findings of Fact approving the Special Permit allowing the sale of alcoholic beverages for off-site consumption;
- D. Adopt the attached Notice of Decision and Findings of Fact approving the Special Permit to reduce the required number of parking spaces by one (1) parking space;
- E. Adopt the attached Notice of Decision and Findings of Fact approving the Variance reducing the required front setback in the Standard Single-family Executive Airport Overflight 4 (R-1 EA4) zone from 25-feet to 20-feet-
WITHDRAWN BY STAFF;
- F. Adopt the attached Notice of Decision and Findings of Fact approving the Lot Merger creating one parcel from three;
- G. Adopt the attached Notice of Decision and Findings of Fact approving the 65402 Review for the abandonment of a 20' public utility easement

Report Prepared By,



Kimberly Kaufmann-Brisby, Assistant Planner

Report Reviewed By,



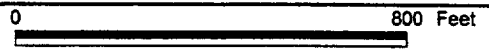
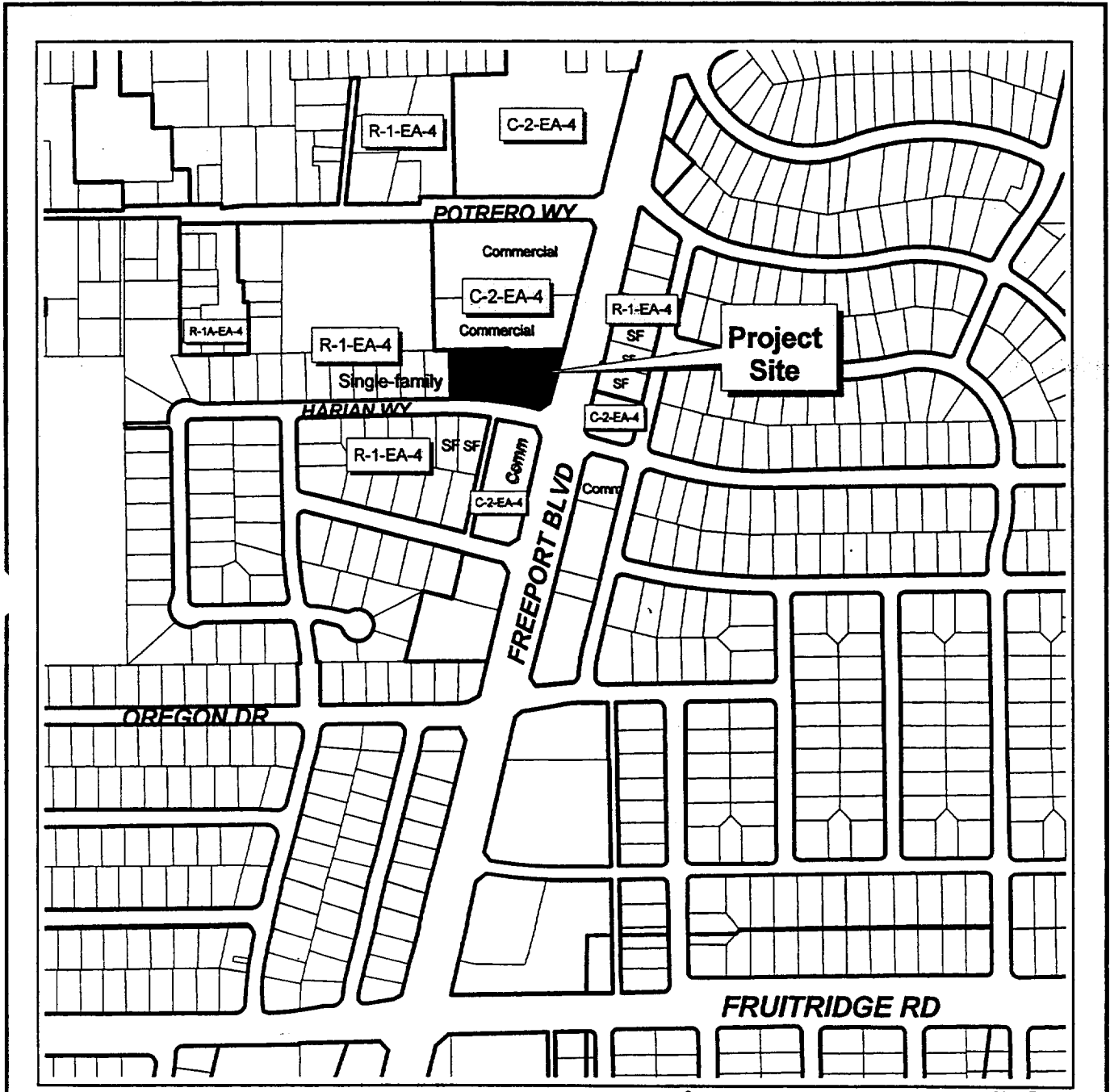
Thomas S. Pace, Senior Planner

Attachments

Attachment 1	Notice of Decision & Findings of Fact
Exhibit 1A	Site Plan
Exhibit 1B	Enlarged Site Plan

Exhibit 1C	Gate Plan
Exhibit 1D	Floor Plans
Exhibit 1E	Elevations
Exhibit 1F	Lot Merger Exhibit
Exhibit 1G	Easement Abandonment Exhibit
Exhibit 1H	Rezone Ordinance and Exhibit
Attachment 2	Land Use & Zoning Map

Attachment 2 Land Use & Zoning Map



Planning & Building
Department

Geographic
Information
Systems

Land Use
and Zoning
Oto's Japan Food



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Attachment 1

AMENDED 11/12/2003
NOTICE OF DECISION AND FINDINGS OF FACT
FOR
OTO'S JAPAN FOOD LOCATED AT 4990 FREEPORT BOULEVARD IN
SACRAMENTO, CALIFORNIA
IN THE
GENERAL COMMERCIAL EXECUTIVE AIRPORT OVERFLIGHT 4 (C-2 EA4) ZONE.
(P03-033)

At the regular meeting of November 13, 2003, the City Planning Commission heard and considered evidence in the above-entitled matter. Based on verbal and documentary evidence at said hearing, the Planning Commission took the following actions for the location listed above:

- A. **Environmental Determination:** Categorically Exempt (CEQA Section 15332);
- B. **Recommended approval of the Rezone** of 0.21± acres from the Standard Single-family Executive Airport Overflight 4 (R-1 EA4) zone to the General Commercial Executive Airport Overflight 4 (C-2 EA4) zone;
- C. **Approved the Special Permit** allowing the sale of alcoholic beverages for off-site consumption;
- D. **Approved the Special Permit** to reduce the required number of parking space by one (1) parking spaces;
- E. **Approved the Variance** reducing the required front setback in the Standard Single-family Executive Airport Overflight 4 (R-1 EA4) zone from 25-feet to 20-feet - **WITHDRAWN BY STAFF**;
- F. **Approved the Lot Merger** creating one parcel from three;
- G. **Approved the 65402 Review** for the abandonment of a 20' public utility easement

These actions were made based upon the following findings of fact and subject to the following conditions:

FINDINGS OF FACT

A. Categorical Exemption: The City Planning Commission finds and determines that the proposed project is exempt from environmental review pursuant to Section 15332 of the 2003 California Environmental Quality Act and Guidelines based on the following Findings of Fact:

1. The project is consistent with the General Plan designation of Community / Neighborhood Commercial and Offices as well as the zoning designations of General Commercial Executive Airport Overflight 4 and Standard Single-family Executive Airport Overflight 4 zones;
2. The project consists of less than five acres, is within the city limits and is surrounded by urban uses;
3. The project site has no value as habitat for endangered, rare, or threatened species;
4. The site can be adequately served by all required utilities and public services;
5. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

C. The Special Permit allowing the sale of alcoholic beverages for off-site consumption is **approved** based on the following Findings of Fact:

The project is based upon sound principles of land use in that:

1. The proposed use, as conditioned, will not adversely affect the peace or general welfare of the surrounding area in that alcohol sales will be limited;
2. The proposed use will not result in undue concentration of establishments providing the sale of alcoholic beverages since a letter of Public Convenience and Necessity, required by the police department when there is an over concentration of alcohol sales in an area was not required for the market. Also, the market will be transferring their ABC liquor license from their current location to their proposed location;
3. The proposed use will not enlarge or encourage the development of a skid row or blighted area in that the market is an on-going concern with an existing clientele, and will be an asset to the neighborhood;
4. The proposed use will not be contrary to or adversely affect any program of redevelopment or neighborhood conservation in that the market is reusing an

existing commercial infill site and has a unique and distinctive design;

5. The project, as conditioned, is based upon sound land use principles in that the addition of beer and wine sales will provide standard neighborhood market amenities to the area;
 6. The project will not be detrimental to the public health, safety or welfare, nor will it result in the creation of a nuisance in that the market will be well maintained, and will be open for retail operation from 9 a.m. to 7 p.m., seven days a week;
 7. The project is consistent with a plan in that the General Commercial Executive Airport Overflight 4 (C-2 EA 4) zone is consistent with the General Plan Land use designation of Community/Neighborhood Commercial and Offices. The market use is allowed by right in the General Commercial Executive Airport Overflight 4 (C-2 EA4) zone. The sale of alcoholic beverages within the C-2 EA 4 zone is allowed with the granting of a Special Permit.
- D. The Special Permit to reduce the required number of parking spaces by one (1) parking space is approved based on the following findings of fact:**
1. The project is based upon sound principles of land use in that:
 - a. The proposed use is compatible with the residential and non-residential uses surrounding the site and will not adversely affect the peace and general welfare of the surrounding neighborhood because the project is reusing an existing commercial site and developing it according to current standards;
 - b. The reduction of parking spaces by one will not significantly impact or alter the site or surrounding commercial or residential uses in that the owners and operators of Oto's Japan Food will be residing in the new residence to the west of and adjacent to the market site and will be able to walk to work, thereby reducing the number of needed parking spaces.
 2. Granting the Special Permit would not be detrimental to the public welfare nor result in the creation of a public nuisance in that:
 - a. The owners will not need on-site parking for themselves since they will live next to the market, thereby freeing up parking for clientele;
 - b. As a specialty market, it is anticipated that there will seldom be an occasion when the number of parking spaces provided will prove to be insufficient;
 3. The project is consistent with the General Plan land use designation of

Community/Neighborhood Commercial and Offices.

E. ~~The Variance reducing the required front setback in the Standard Single-family Executive Airport Overflight 4 (R-1 EA4) zone from 25 feet to 20 feet is approved based on the following findings of fact:~~

- ~~1. The Variance does not extend a special privilege to the property owner and the Variance is appropriate for any property owner facing similar circumstances;~~
- ~~2. The proposed Variance does not allow a use that would not normally be permitted in the Standard Single-family Executive Airport Overflight 4 (R-1 EA4) zone;~~
- ~~4. The proposed Variance will not be injurious to the public welfare, nor to property in the project vicinity in that:
 - ~~a. Only the covered porch will extend into the front setback area;~~
 - ~~b. The residence's design embodies many of the Single-family Residential Design Principles;~~~~
- ~~5. The proposed Variance is consistent with the purpose and intent of the Zoning Ordinance. It will not have an adverse affect on the General Plan or Open Space zoning regulations.~~

F. **The Lot Merger** creating one parcel from three is approved based on the following findings of fact:

1. The Lot Merger will not result in the abandonment of any street and the utility easement being abandoned will be dedicated elsewhere on the project site and the utilities relocated to the new easement;
2. The parcel Merger will result in a parcel that conforms to the policies and requirements of the General Plan, Zoning Ordinance, Subdivision Regulations, and Building Code.

G. **The 65402 Review** for the abandonment of a 20' public utility easement is approved based on the following findings of fact:

1. The abandonment is consistent with the General Plan Public Utilities and Services Element goal to "Design public facilities in such a manner as to ensure safety and attractiveness" (SPGU Sec. 7-2, Goal E) in that:
 - a. The site currently has several above ground utility poles within the existing easement that will be placed underground in the new easement thereby maintaining service to the area and removing

unattractive utility poles.

- 2. The abandonment will not impact the utility service to the area because the existing utilities within the easement will be relocated to an easement to be dedicated prior to the issuance of building permits.

CONDITIONS OF APPROVAL

C. The Special Permit allowing the sale of alcoholic beverages for off-site consumption is hereby approved subject to the following conditions of approval:

C1. Planning Division:

- a. No more than the aggregate total of ten (10) percent of the store's retail floor, shelf and cooler space shall be dedicated to the display of beer and wine products for sale.
- b. The store's hours of retail operation shall not extend beyond the stated 9 a.m. to 7 p.m., Monday through Saturday and from 11 a.m. to 5 p.m. on Sunday;
- c. The hours of delivery are to be limited to:

45' tractor trailer (fresh fish/seafood) Mon., Weds., Fri.	btwn. 9 and 10 a.m.
45' tractor trailer (fresh fish/seafood) Once a month	btwn. 9 and 10 a.m.
16 foot Bobtail (maximum of 3 / day) Mon – Fri.	btwn. 8 a.m. and 3 p.m.
- d. All truck maneuvering is to take place on-site, with the fish deliveries limited to using only the store's west service door.
- e. The trash removal service pickup may occur no earlier than 8 a.m. on any pick-up day.
- f. No beer or malt liquor shall be sold in container quantities exceeding 16-ounces;
- g. The sale of wine in an individual container less than 750 ml is prohibited;
- h. The sale of alcohol shall be limited to beer and wine only, no hard liquor sales allowed;
- i. Beer shall not be sold in quantities of less than one six-pack;
- j. Wine coolers shall not be sold in quantities of less than factory packs of four;

k. The design for the parking lot gating shall be submitted to planning staff for review and approval prior to the issuance of building permits. Included in the design shall be details on the locking mechanism(s), height, material(s), rolling mechanism(s), hinge points, and any other pertinent details.

l. The parking lot shall remain gated to the general public between the hours of 8 p.m. and 6:30 a.m.

C2. Police Department:

a. The applicant shall post the property "No Trespassing" and sign an agreement with the Police Department to prosecute all violators. This agreement shall be kept on file on the premises and in the Police Department;

b. Applicant shall work with the South Patrol Police Facility to ensure that the property is posted for "No Loitering" in accordance with 602(k) P.C. An agreement is to be filed with the Police Department that will allow officers to remove loiterers and reflects to operator/owners agreement to prosecute;

c. Signs shall be posted prohibiting consumption of alcoholic beverages in the business or in the parking areas. Signs shall read: "It is unlawful to enter or remain on these premises, adjacent parking lot, or adjacent public sidewalk with an open alcoholic beverage container. P.C. 647e(a)" – plus any appropriate local ordinances. Lettering to be block style and a minimum of 2-1/2" in height. Signs will be clearly visible to the patrons of the business parking lot and to persons on the public sidewalk, and;

d. All illegal activities observed on or around the business shall be promptly reported to the Police Department.

e. No advertising of beer or wine sales shall be allowed on exterior signs or window signs on the site.

f. Project lighting shall be as follows: 1.5 foot-candles of minimum maintained illumination per square foot of parking space during business hours and .25 foot-candles of minimum maintained illumination per square foot of surface on any walkway, alcove, passageway, etc. from one-half hour before dusk to one-half hour after dawn. All light fixtures are to be vandal resistant.

g. No public pay telephones shall be maintained on the exterior of the premises.

- h. Store windows shall be left unobstructed by either signage and/or display racks, shelving, and merchandise in order to allow viewing of the interior of the business by patrolling police.
 - i. The applicant/owner shall be responsible for the daily removal of all litter generated by the business, from the subject site, adjacent properties, and streets.
 - j. The applicant/owner shall agree to a "good neighbor policy". The good neighbor policy" shall require that if any significant problems arise and the City receives complaints about the use, the City will commence with Special Permit revocation hearings at the cost of the property owner. The revocation hearing shall be at the discretion and direction of the Planning Commission.
 - k. The applicant/owner shall install bicycle security racks on the north side of the business, near the main entrance, visible from the interior of the store.
 - l. Design building to allow for maximized window surveillance of all outside areas by employees from the employees' primary work positions and/or install video cameras for the outside areas.
 - m. Decorative planting shall be maintained so as not to obstruct or diminish lighting levels throughout the project.
 - n. No signs shall be attached to or hung from the fencing, umbrellas, or trees located in the sidewalk area.
- D. The Special Permit to reduce the required number of parking spaces by one (1) parking space to 32 parking spaces is hereby approved subject to the following conditions of approval:**
- D1. Planning Division:**
- a. Obtain all necessary building permits prior to construction.
 - b. Development of this site shall be in compliance with the attached site plan, Exhibit 1A. A minimum of 32 parking spaces shall be provided.
 - c. Any modification to the project shall be subject to review and approval by Planning staff prior to the issuance of building permits. Any significant modification to the project may require subsequent entitlements.
 - d. The trash enclosure shall meet all requirements of the Sacramento City Code, Chapter 17.72 (Recycling and Solid Waste Disposal Regulations),

including statement of recycling information requirements, recycling volume requirements, perimeter landscaping, masonry walls, and a solid metal gate.

- e. The project is required to meet the Sacramento City Code regulations, regarding bicycle parking (Section 17.64.040). Bicycle parking shall be located in a secure area located in close proximity to doors and windows.
- f. The proposal is required to meet the Sacramento City Code regulation, regarding tree shading (Chapter 17.68).
- g. The applicant shall submit a sign application identifying all signage for the site including but not limited to the tower signs, entry signs, building identification and address signs, trash enclosure signs, prior to the issuance of any sign permits. The sign program shall be reviewed by both Planning and Building departments for conformance and compatibility with the project. All detached signs shall be monument signs
- h. The applicant shall work with interested neighbors to develop the landscaping theme along both street frontages. The landscaping plan tree selections shall be made from the adopted "Parking Lot Tree Shading Design and Maintenance Guidelines" (Res. 2003-408) for staff approval prior to issuance of building permits.

Additionally, the landscaping plans shall be submitted to the Building Division - Site Conditions Unit for review and approval by the Site Conditions Unit and the Landscape Architecture Section. The scope of the review shall include plant species selection, landscape materials, irrigation system, and calculation to ensure that the 50% shading requirement is met. In order to provide adequate surveillance opportunities, all plants and shrubs are to be maintained at maximum height of thirty six inches (36"); the lowest tree branch height shall be at least six feet (6') once the trees have matured and require pruning. Decorative planting shall be maintained so as not to obstruct or diminish lighting level throughout the project.

- i. Lighting shall be designed and screened so as not to produce hazardous and annoying glare to motorists, adjacent residents, or the general public. All fixtures should be placed in a manner that avoids glare when observed from the street or other public areas.
- j. The height of pole mounted light fixtures shall be no more than 20 feet.
- k. Any tenant utilizing shopping carts will be required to comply with Chapter 5.82 of the Sacramento City Code relating to shopping carts (enacted by Ordinance Number 2002-039).

- l. Development of this site shall be in compliance with the attached Site plan (Exhibit 1B).
- m. Comply with the fifty percent shading requirement for all parking and maneuvering areas, (Section 17.64.030(H) of the Zoning Ordinance). All "finger planters" must maintain a minimum inside width dimension (without curb) of 6-feet, be fully automatically irrigated, and enclosed with 6" concrete curbing on all sides.
- n. The overall landscape mix shall include at least three different (minimum 24" box size) tree types (genera) throughout the required shading area. All planters and landscaped areas shall be fully automatically irrigated and all soil surfaces shall be covered with living groundcover within two years of installation. Landscaping plans shall be submitted to the Building Division - Site Conditions Unit for review and approval by the Site Conditions Unit and the Landscape Architecture Section. The scope of the review shall include plant species selection, landscape materials, irrigation system, and calculation to ensure that the 50% shading requirement is met. In addition, where the site plan indicated turf under the trees and elsewhere **on the commercial site**, an approved, drought tolerant groundcover shall be installed instead.
- o. The trash enclosure shall accommodate 8 cubic yards of waste capacity including 4 cubic yards of recycling capacity;
- p. The walls of the trash enclosure structure shall be constructed of solid masonry material. The exterior treatment of the enclosure will echo that of the building, with stucco painted to match the market's exterior color;
- The trash enclosure structure shall have heavy gauge metal gates and be designed with cane bolts on the doors to secure the gates when in the open position. The hinges shall be sufficient in size, strength, and number to adequately support the metal gates.
 - The trash enclosure facility shall be designed to allow walk-in access without having to open the main enclosure gates.
 - The trash enclosure shall be screened with landscaping on the west and east sides, including a combination of shrubs and/or climbing evergreen vines and shall be automatically irrigated.
 - A concrete apron shall be constructed in front of the trash enclosure facility or at point of dumpster pickup by the waste removal truck. The location, size, and orientation of the concrete apron shall depend on the design capacity of the trash enclosure facility (number of trash dumpsters

provided) and the direction of the waste removal truck at the point of dumpster pickup.

- The minimum dimensions of the concrete apron for a single two cubic yard dumpster shall be: width 10 feet or width of enclosure facility; length 20 feet. Larger trash enclosure facilities shall require a larger concrete apron, subject to the approval of the City Building Inspections Plan Checker.
 - Paving material shall consist of 5" aggregate base rock and 6" portland cement paving.
- q. The owner/operator shall be responsible for the abatement/removal of any and all graffiti on the buildings and walls within 48 hours. The Neighborhood Services Department at www.cityofsacramento.org/graffiti.html or (916) 264-5948, is available to assist the operator by providing information for preventative measures to reduce the occurrence of graffiti.

Graffiti shall mean any unauthorized inscription, work, figure or design that is marked, etched, scratched, drawn, or painted on or otherwise affixed to or on any surface.

- r. Place a minimum of one Class I bicycle parking facility in a well-lit location that will be visible from the inside of the restaurant. 2 additional Class I, II, or III bicycle-parking facilities shall be similarly placed. The proposed placement of the bicycle parking facilities is subject to review and approval by Planning staff prior to issuance of the Final Certificate of Occupancy.

D2. Public Works – Development Services Division:

- a. Repair or replace/reconstruct any existing deteriorated curb, gutter and sidewalk fronting on Freeport Boulevard and Harian Way per City standards to the satisfaction of the Department of Public Works;
- b. All driveways shall be designed and constructed to City Standards to the satisfaction of the Department of Public Works;
- c. The gate off Freeport Boulevard shall be a minimum of 20 feet behind the right-of-way and all gates shall be equipped with a Knox lock with the exception for the residential unit gate;
- d. The minimum throat distance for the driveway on Freeport Boulevard shall be 40 feet. Eliminate any parking stalls within the minimum throat distance to the satisfaction of the Department of Public Works;

- e. Prior to the issuance of any building permits, the applicant shall satisfy all the conditions and record the requested abandonment of the 20 foot PUE within the 20 foot abandoned alley to the satisfaction of the Department of Public Works;
- f. The applicant shall record the Lot Merger, which creates the lot pattern shown on the proposed site plan prior to obtaining any building permits;
- g. The site plan shall conform to A.D.A. requirements in all respects;
- h. The site plan shall conform to the parking requirements set forth in chapter 17 of City Code (Zoning Ordinance);
- i. The design of walls fences and signage near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height at maturity. The area of exclusion shall be determined by the Department of Public Works;
- j. The applicant shall install a regulatory sign on-site at the Harian Way driveway that reads "Delivery Trucks Left Only". The sign color shall be black on white and to the satisfaction of the Department of Public Works.
- k. The applicant shall install a "No Parking" sign along the northern side of Harian Way to restrict parking from the Freeport Boulevard intersection up to the Harian Way driveway to the satisfaction of the Department of Public Works.

D3. Utilities-Engineering Services Division:

The following are Advisory Notes to the applicant for development of the site that shall be approved by the Department of Utilities prior to issuance of a building permit:

- a. Prior to design of the subject project, the Department of Utilities suggests that the applicant request a water supply test to determine what pressure and flows the surrounding public water distribution system can provide to the site. This information can then be used to assist the engineers in the design of the on-site domestic, irrigation and fire suppression systems.
- b. Replace existing DI and lead on north side of Harian Way with Type B DI and 12" lead.
- c. A grading plan showing existing and proposed elevations is required. Adjacent off-site topography shall also be shown to the extent necessary to determine impacts

to existing surface drainage paths. No grading shall occur until the grading plan has been reviewed and approved by the Department of Utilities.

- d. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance will require the applicant to prepare erosion and sediment control plans for both during and after construction of the proposed project, prepare preliminary and final grading plans, and prepare plans to control urban runoff pollution from the project site during construction.
 - e. Post construction, storm water quality control measures shall be incorporated into the development to minimize the increase of urban runoff pollution caused by development of the area. Only source control measures are required. This will not affect site design. Refer to the "Guidance Manual for On-Site Storm water Quality Control Measures" dated January 2000 for appropriate source control measures.
 - f. Post construction storm water quality control measures will not affect site design now, but will in the future when on-site control measures will be required. On-site treatment control measures may affect site design and site configuration and therefore should be considered during the early planning stages if the project will not be constructed prior to when the new State requirements are in place. Refer to the guidelines from the State Water Resources Control Board at www.swrcb.ca.gov/ for the most current regulations.
 - g. The proposed project is located in the 100-year floodplain, designated as an A99 zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that have been revised by a Letter of Map Revision effective May 22, 2000. Within the A99 zone, there are no requirements to elevate or flood proof.
- D4. Public Works-Project Delivery Division-Electrical/Mechanical Section:**
- a. This project does not require street lighting. Improvements to the right-of-way may require modifications to existing systems.

D5. Fire Department:

The following are **ADVISORY NOTES**. This list has been designed to give the developer insight on issues that should be addressed prior to submitting to the Building Department.

- a. **Fire apparatus access.** Plans for fire department access roads shall be submitted to the fire department for review and shall be approved prior to the start of construction. CFC 901.2.2.1

- b. **Fire-protection equipment and fire hydrants.** Fire-protection equipment and fire hydrants shall be clearly identified in an approved manner to prevent obstruction by parking and other obstructions. When required by the chief, hydrants locations shall be identified by the installation of reflective markers. CFC 901.4.3
- c. **Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. CFC 902.2.2.1
- d. **Surface.** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a roadbed consisting of material unaffected by the introduction of water based upon fireflow or rain based on 25 year storm and a surface consisting of a minimum of a single layer of asphalt. CFC 902.2.2.2
- e. **Turning radius.** The turning radius of the fire apparatus access road shall be as approved (45' or hammerhead). CFC 902.2.2.3
- f. **Key Boxes.** When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life saving or firefighting purposes, or where the building is served by a fire alarm system which is monitored by a central station, the chief is authorized to require approved key switches, key boxes or padlocks to be installed in approved accessible locations or areas in order to permit immediate fire department access. CFC 902.4
- g. **Gates and barriers.** Plans shall be submitted for review and approval prior to the installation of gates, barriers, and access control devices which are to be constructed on or within fire department apparatus access roadways. CFC 902.2.4.3
- h. **Required Water Supply for Fire Protection.** An approved water supply capable of supplying the required fire flow for the protection shall be provided to all premises upon which facilities, buildings or portion of buildings are hereafter constructed or moved into or within the jurisdiction. When any portion of the facility or building protected is in excess of 150 feet from a water supply on a public street, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the chief. CFC 903.2. **Note:** contact Joyce Pilgrim with the Department of Utilities at 264-1430, for flow test required for sprinkler submittal.
- i. **Required installations.** The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or the site of the premises or both to be protected as required

and approve by the chief. CFC 903.4.2 See also Appendix III-B, Section 5, Distribution of Fire Hydrants

~~E. The Variance reducing the required front setback in the Standard Single-family Executive Airport Overflight 4 (R-1 EA4) zone from 25 feet to 20 feet spaces is hereby approved subject to the following conditions of approval:~~

~~E1. Development of this site shall be in compliance with the attached site plan, Exhibit 1A. A minimum front setback of no less than 20 feet to the covered porch shall be provided.~~

~~E2. Fire Department Advisory Dwellings larger than 3,600 square feet require 1,500 GPM fire flow.~~

~~**Department of Parks and Recreation Park Planning, Design & Development Division:**~~

~~E3. The applicant shall initiate and complete the formation of a parks maintenance district (assessment or Mello-Roos special tax district), or annex the project to an existing parks maintenance district prior to the issuance of any building permit. The applicant shall pay all city fees for formation of or annexation to special districts. The purpose of the district is to equitable spread the cost of neighborhood park maintenance on the basis of special benefit, in the case of an assessment district. In the case of a special tax district, the costs will be spread upon hearing report which specifies the tax rate and method of apportionment;~~

F. The Lot Merger creating one parcel from three is hereby approved subject to the following conditions of approval:

F1. Public Works-Development Services Division:


- a. The applicant shall file an application for a Certificate of Compliance with the Department of Public Works. The applicant must submit all documents required by the submittal requirements checklist and pay necessary fees;
- b. The applicant must file for a Waiver of a Parcel map;
- c. The applicant shall pay off or segregate existing assessments;
- d. Abandon the existing sewer line located within the abandoned alley to the satisfaction of the Department of Utilities.
- e. At no cost to the City, SMUD, AT&T, and PG&E, dedicate a new public utility easement and relocate the existing facilities from the abandoned area to the

new easement to the satisfaction of the Department of Public Works, SMUD, AT&T, and PG&E.

F2. Utilities-Engineering Services Division:

The following conditions shall be placed on the **Lot Merger** and shall be completed prior to issuance of a certificate of compliance:

- a. Abandonment of public utility easement (PUE) shall be recorded.
- b. Only one domestic water service per parcel is allowed. Any excess domestic water services must be abandoned to the satisfaction of the Department of Utilities. The applicant should be advised that the tap record research and verification of tap locations by the field crews involved prior to sign-off of this condition may take a considerable amount of time, therefore, all requests should be submitted in a timely manner.



CHAIRPERSON

ATTEST:

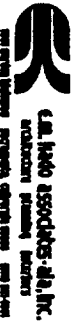
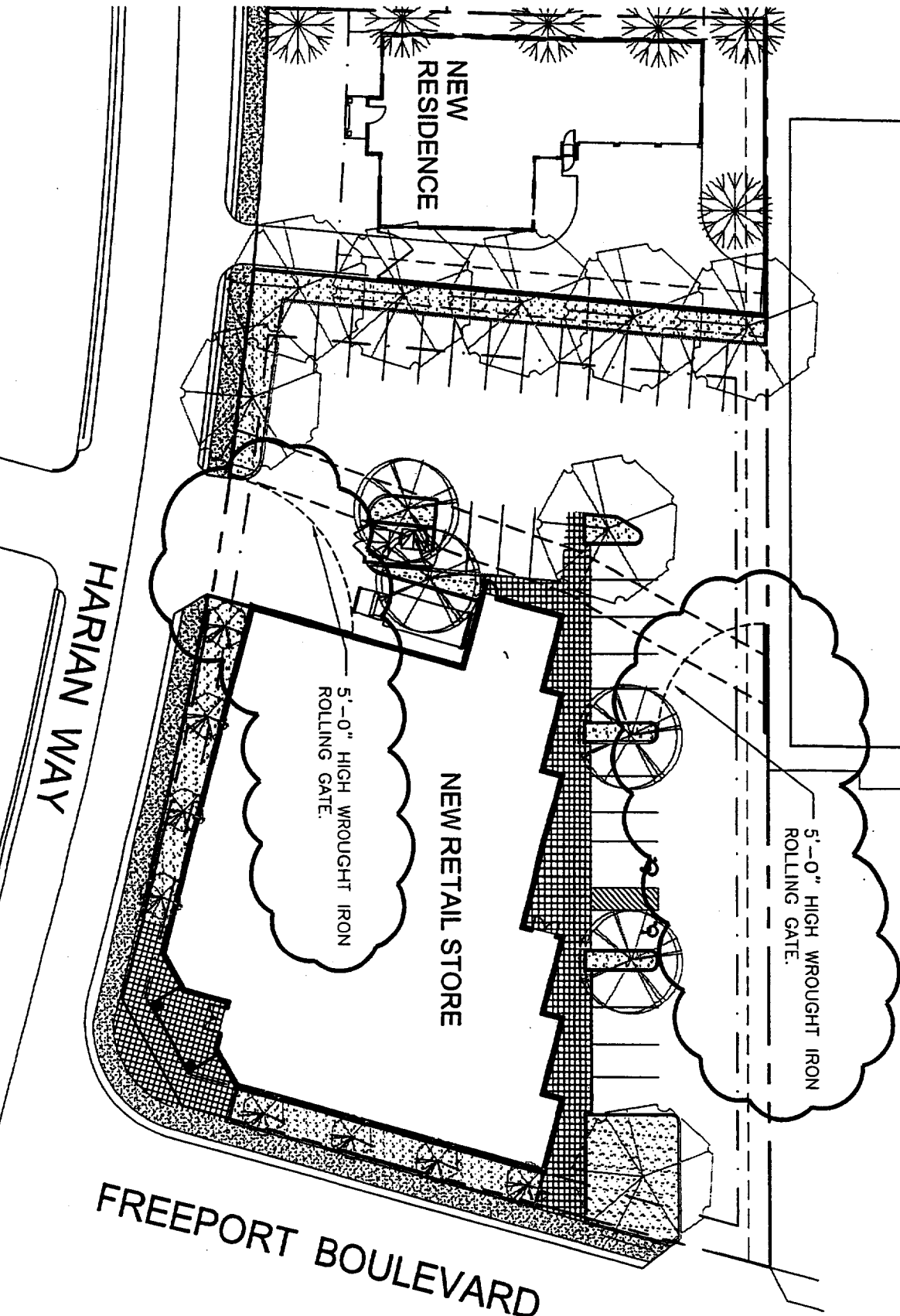


SECRETARY TO CITY PLANNING COMMISSION

11/13/03
DATE (P03-033)

- | | |
|--------------|------------------------------|
| Exhibit 1A | Site Plan |
| Exhibit 1B | Enlarged Site Plan |
| Exhibit 1C | Gate Plan |
| Exhibit 1D | Floor Plans |
| Exhibit 1E | Elevations |
| Exhibit 1F | Lot Merger Exhibit |
| Exhibit 1G | Easement Abandonment Exhibit |
| Exhibit 1H | Rezone Ordinance and Exhibit |
| Attachment 2 | Land Use & Zoning Map |

Exhibit 1C - Gate Plan



OTOS JAPAN FOOD
FREEPORT BLVD.

TRAMENITO

GATE PLAN
ASPTP
November 13, 2003

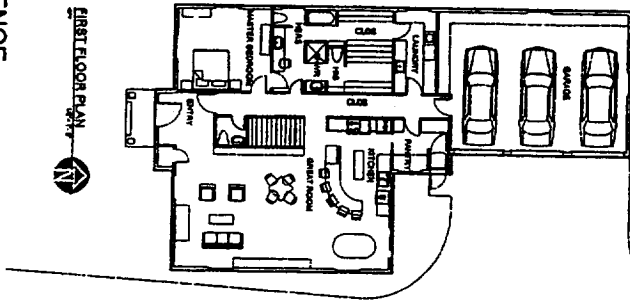
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010800

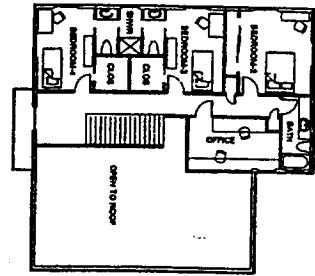
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Exhibit 1D - Floor Plans

RESIDENCE

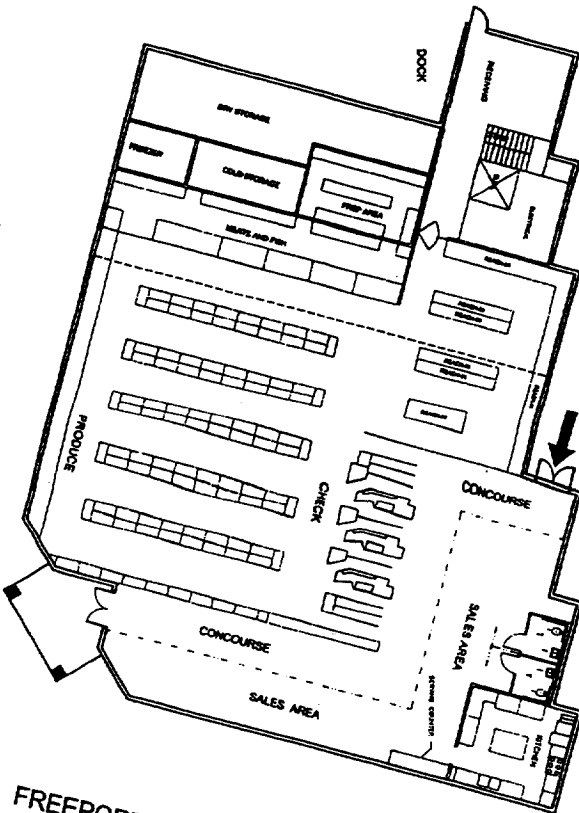


SECOND FLOOR PLAN

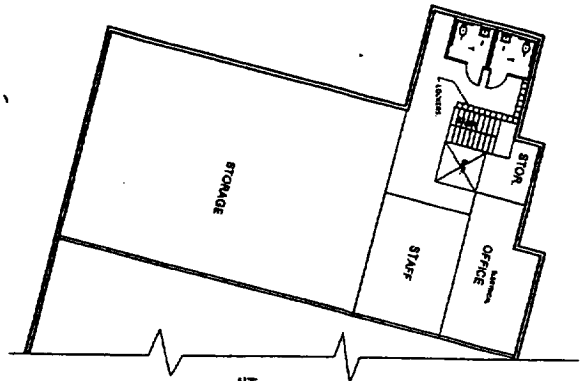


RETAIL

HARIAN WAY



FIRST FLOOR PLAN



MEZZANINE PLAN

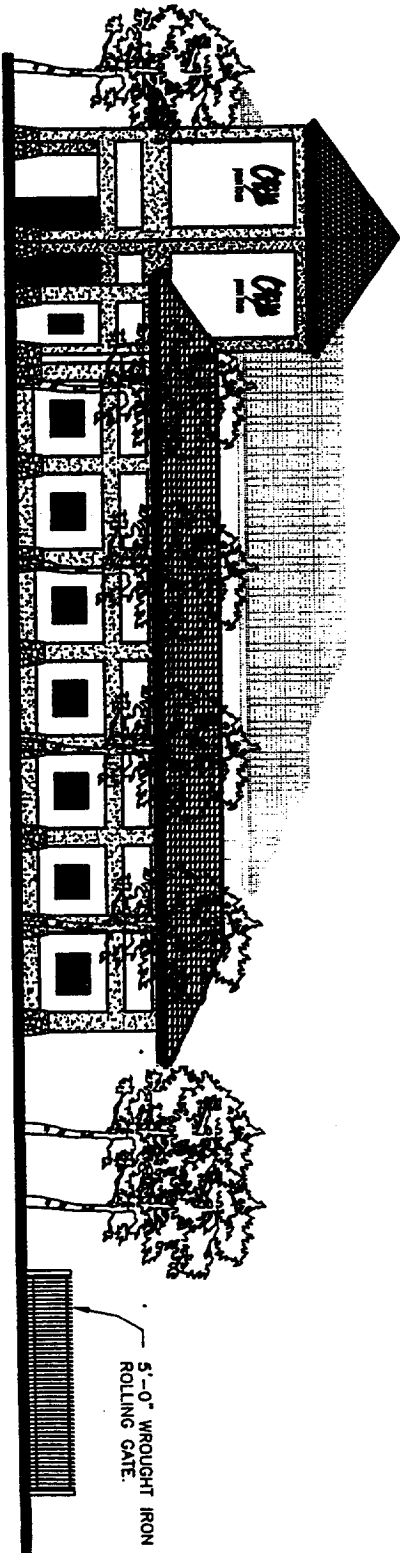
FREEPORT BOULEVARD

<p>Sheet No. A2.1P</p>	<p>Scale</p>	<p>DATE: 11/13/03 PROJECT: OTO'S JAPAN FOOD DRAWN BY: [Name] CHECKED BY: [Name]</p>	<p>OTO'S JAPAN FOOD</p>	<p>OTO'S JAPAN FOOD</p>		<p>11/13/03</p>	<p>11/13/03</p>	
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45

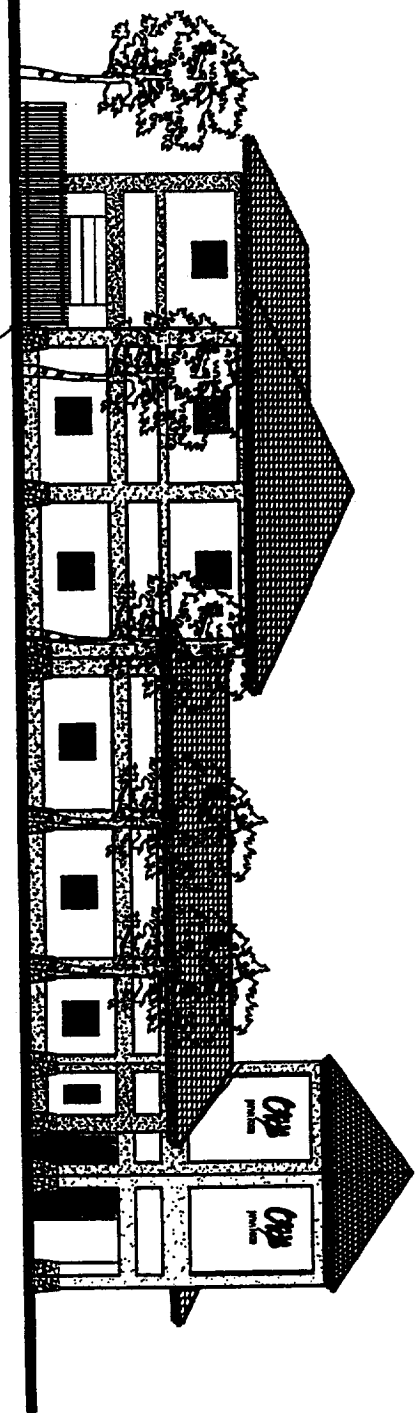
Exhibit 1E - Elevations

EAST - RETAIL



SOUTH - RETAIL

5'-0" WROUGHT IRON ROLLING GATE.



U.M. BIRD ASSOCIATES, d.b.a. i.a.
 ARCHITECTURE PLANNING INTERIORS
 201 GREEN HOLLOW DRIVE, SUITE 100
 GREENSBORO, NORTH CAROLINA 27409-3000

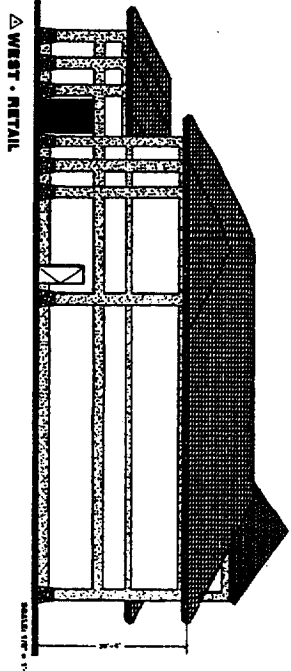
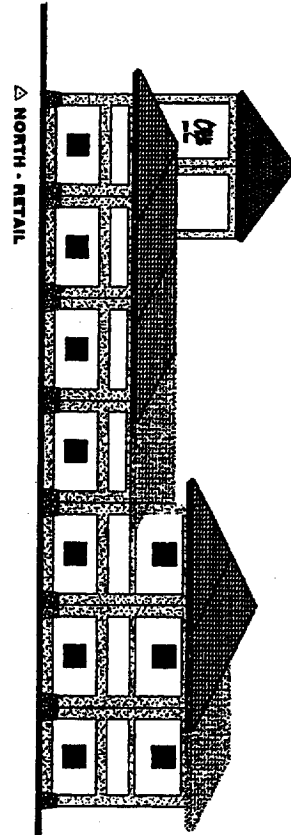
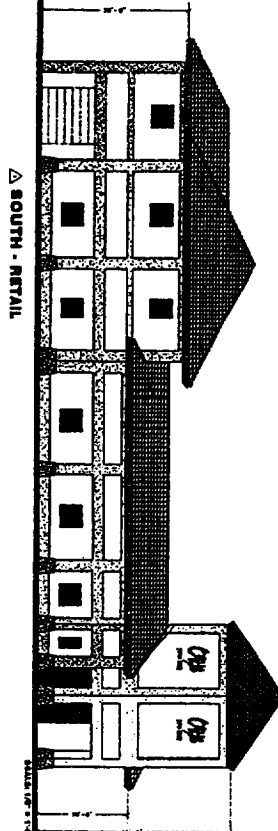
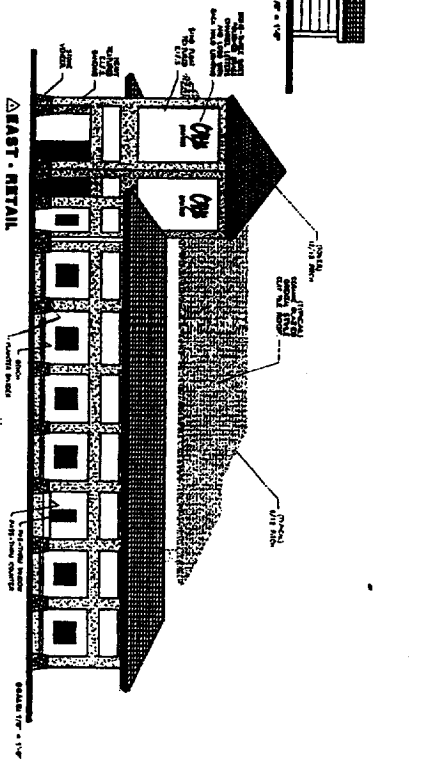
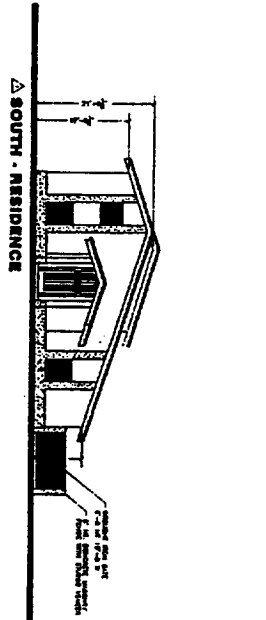
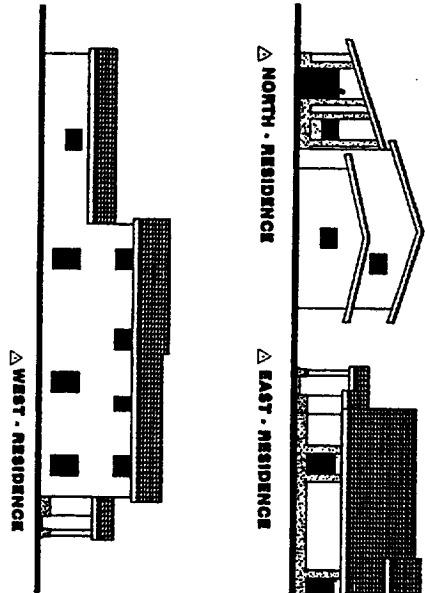
OTO'S JAPAN FOOD
 4990 FREEPORT BOULEVARD

EXTERIOR ELEVATIONS

NOT TO SCALE

0108-00
 11/04/03

A3.




<p>DATE: 11/13/03 A3.1P</p>	<p>SCALE: 1/8" = 1'-0"</p>	<p>ARCHITECT: [Faded text]</p>	<p>OTIS ELEVATOR FOOD ELEVATOR</p>	<p>SCALE: 1/8" = 1'-0"</p>	<p>SCALE: 1/8" = 1'-0"</p>	<p>  R. M. HILD ASSOCIATES, INC. ARCHITECTS 1000 W. 10TH STREET SUITE 100 DENVER, CO 80202 (303) 733-8888 </p>
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Exhibit 1F - Lot Merger Exhibit

CITY OF SACRAMENTO
PAGE 1 OF 1

LOT LINE MERGER

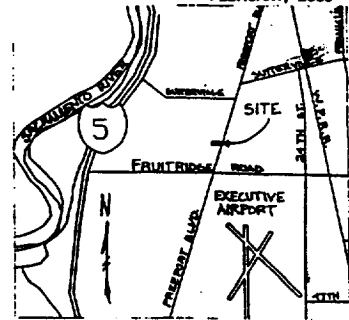
CALIFORNIA
FEBRUARY, 2003

OWNER:

APN: 017-0211-012
OTOS JAPAN FOOD INC.
5770 FREEPORT BLVD.
SACRAMENTO, CA 95822
APN: 017-0211-009
OTOS JAPAN FOOD INC.
5770 FREEPORT BLVD.
SACRAMENTO, CA 95822

FOR
1831 HARIAN WAY
4880 FREEPORT BLVD.
APN: 017-0211-012 AND 009

JTS ENGINEERING
CONSULTANTS
1808 J STREET
Sacramento California 95814
(916) 441-6708



APPLICANT:

JTS ENGINEERING CONSULTANTS
1808 J STREET
SACRAMENTO, CA 95814
PH: (916) 441 6708
FAX: (916) 441 5336

LEGAL DESCRIPTION: PARCEL 1

LOTS A AND B, AS SHOWN ON THE "PLAT OF FREEPORT TERRACE", FILED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY, ON JUNE 22, 1946, IN BOOK 23 OF MAPS, MAP NO. 30; TOGETHER WITH LOT 11 AS SHOWN ON THE "PLAT OF FREEPORT TERRACE", RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY, ON JUNE 22, 1946, IN BOOK OF MAPS, MAP NO.30 TOGETHER WITH THAT CERTAIN ALLEY 20 FEET IN WIDTH (NOW ABANDONED) AS SHOWN ON SAID "PLAT OF FREEPORT TERRACE", LYING BETWEEN SAID LOTS A AND B OF 23 BM 30 AND LOT 11 OF SAID FREEPORT TERRACE.

ZONING:

APN: 017-0211-012
C2 4CITY C2 GENERAL COMMERCIAL
APN: 017-0211-009
R1 4CITY R1-SINGLE FAMILY

LEGEND

- UTILITY POLE (TYPICAL)
- ⊗ UTILITY BOX
- APPROX. TREE LOCATION
- ☼ LIGHT
- ⊗ SIGNAL LIGHT
- ⊗ WATER VALVE
- STREET LIGHT
- FIRE HYDRANT
- GUARD POST
- ⊗ SIG LT W

LAND USE:

APN: 017-0211-012
BAAOOA COM, SMALL SINGLE TENANT
APN: 017-0211-009
1BEDFA VACANT, RETAIL < 2AC SITE

OF PARCELS:

EXISTING: 3
PROPOSED: 1

REQUEST:

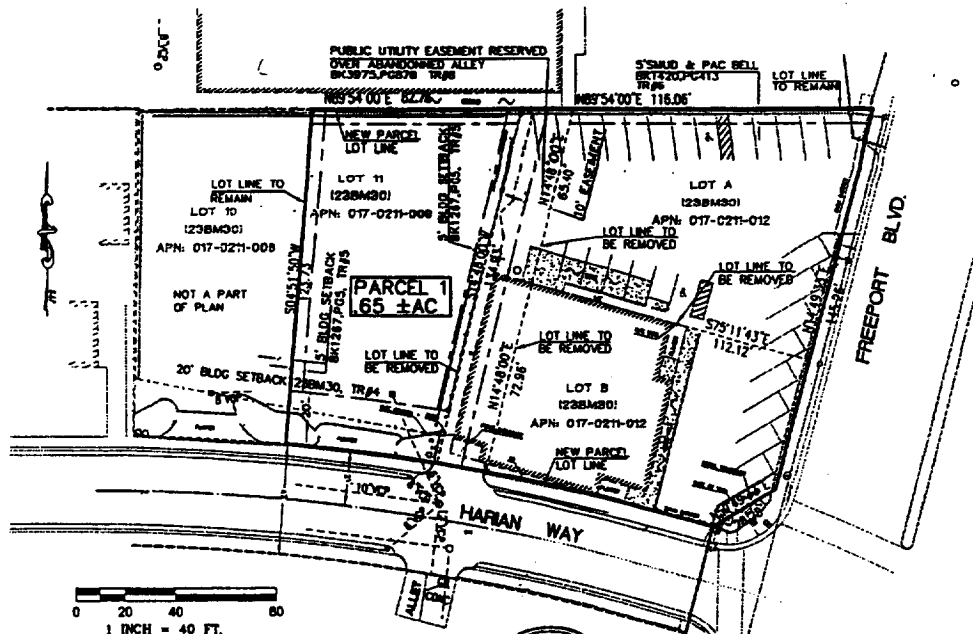
TO MERGE THREE EXISTING PARCELS INTO ONE

AREA:

PARCEL	EXIST	PROPOSED
PARCEL 1	.65±AC	.65±AC

SCHOOL DISTRICT:

SACRAMENTO UNIFIED



NOTE:
THIS SKETCH IS PREPARED FROM RECORD DATA. IT IS NOT BASED ON A SURVEY.



PREPARED BY: JAVED T. SIDDIQUI
JAVED T. SIDDIQUI RCE 25924

2001-025-dwg-ASP10-r14.dwg, 02/14/03 10:24:17 AM, JTS Engineering Consultants Inc.

Exhibit 1G - Easement Abandonment Exhibit

COUNTY OF SACRAMENTO
PAGE 1 OF 1

EASEMENT ABANDONMENT
EXHIBIT "A"

CALIFORNIA
FEBRUARY, 2003

LOTS A, B, 11, AND ADJACENT ABANDONED ALLEY,
AS FILED IN BOOK 23 OF MAPS, MAP NO. 30

APN: 017-0211-009 AND 012

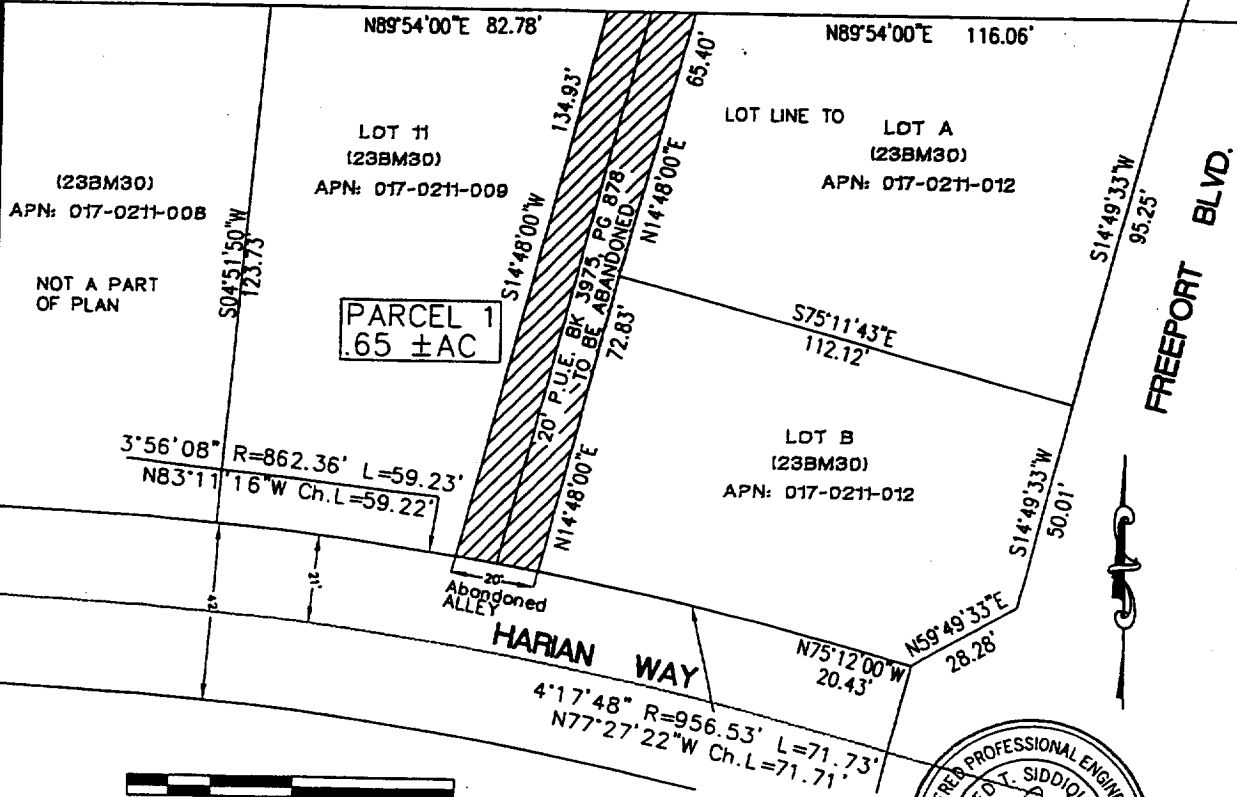
JTS ENGINEERING
CONSULTANTS

1808 J STREET
Sacramento California 95814
(916) 441-6708

OWNER: OTOS JAPAN FOOD INC.
5770 FREEPORT BLVD.
SACRAMENTO, CA 95822

ENGINEER: JTS ENGINEERING
CONSULTANTS, INC.
1808 J STREET
SACRAMENTO, CA
95814
PH: 916-441-6708

REQUEST: TO ABANDON (20' PUE PER 3975 OR-PG878)
RESERVED OVER
ABANDONED ALLEY



NOTE:
THIS EXHIBIT IS PREPARED FROM RECORD
DATA. IT IS NOT BASED ON A SURVEY.

PREPARED BY: *Javed Siddiqui*
JAVED T. SIDDIQUI
REGISTERED PROFESSIONAL ENGINEER
No. 25924
Expires: 12-31-05
CIVIL
FEB 26 / 03
STATE OF CALIFORNIA
PCE 25924

S:\2001-025\ABANDONMENT.dwg, 03/26/2003 12:55:04 PM, JTS Engineering Consultants Inc.

Exhibit 1H - Rezone Ordinance

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE (TITLE 17 OF THE CITY CODE), BY REZONING 0.21 ACRES CONSISTING OF 0.21± NET ACRES OF STANDARD SINGLE-FAMILY EXECUTIVE AIRPORT OVERFLIGHT 4 (R-1 EA 4) ZONE TO GENERAL COMMERCIAL EXECUTIVE AIRPORT OVERFLIGHT 4 (C-2 EA 4) ZONE LOCATED AT 4990 FREEPORT BOULEVARD, NORTH OF HARIAN WAY, SACRAMENTO, CALIFORNIA.

(APN: 017-0211-009) (P03-033)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

The attached Exhibit 1F describes properties and both their current zoning and the zones for which they are to be placed pursuant to this amendment.

The zoning designation for the following properties which constitute 0.21± acres consisting of 0.21± net acres of Standard Single-Family Executive Airport Overflight 4 (R-1 EA 4) zone, are hereby removed and placed into the General Commercial Executive Airport Overflight 4 (C-2 EA 4) zone for:

APNs: 017-0211-009

SECTION 2

The City Clerk of the City of Sacramento is hereby directed to amend the official zoning maps that are a part of said Ordinance to conform to the provisions of this Ordinance.

PASSED FOR PUBLICATION:

PASSED:

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

P03-033

FOR CITY CLERK USE ONLY

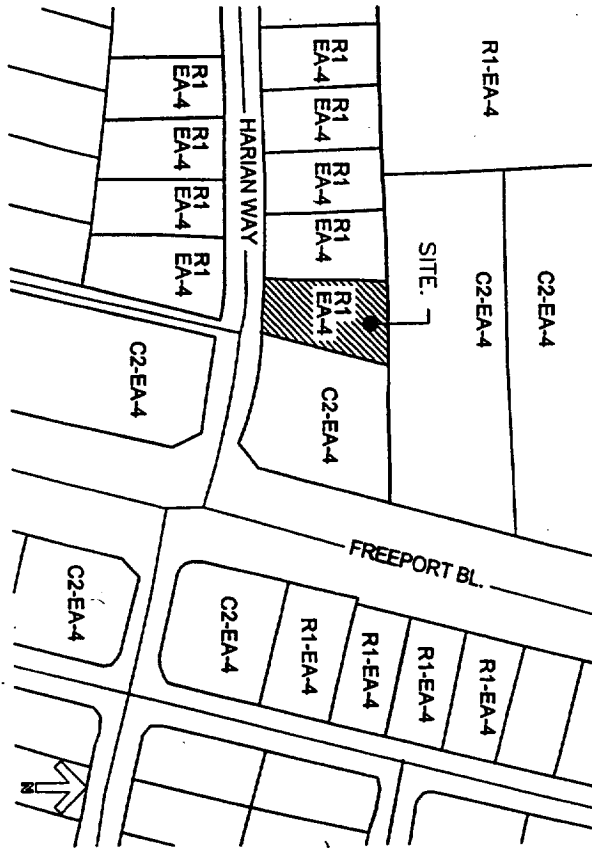
ORDINANCE NO.: _____

DATE ADOPTED: _____

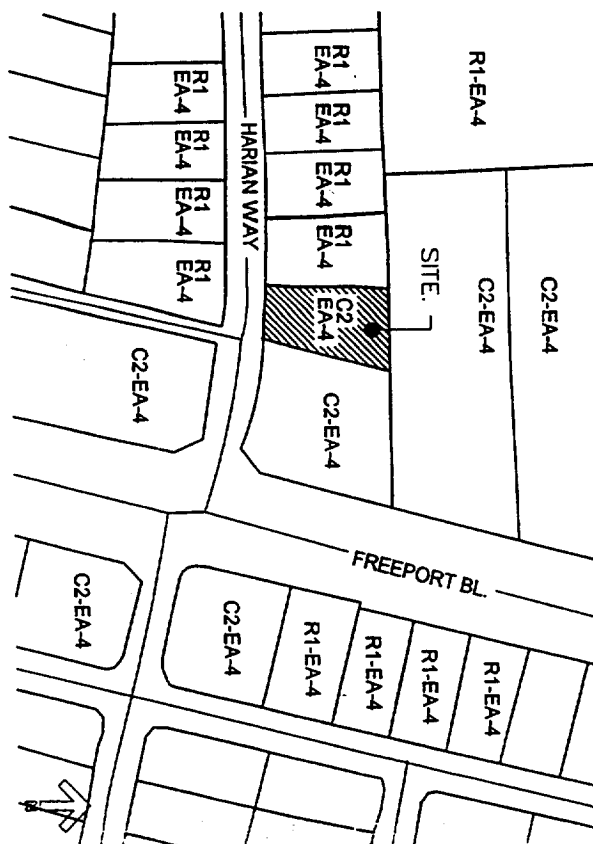
NOVEMBER 13, 2003

P03-033

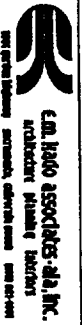
Rezone Exhibit



EXISTING ZONING DESIGNATION:
R1-EA-4
STANDARD SINGLE FAMILY ZONE
SACRAMENTO EXECUTIVE AIRPORT OVERLAY - OVERFLIGHT ZONE
ACREAGE OF PARCEL: .207 ACRES



PROPOSED ZONING DESIGNATION:
C2-EA-4
GENERAL COMMERCIAL ZONE
SACRAMENTO EXECUTIVE AIRPORT OVERLAY - OVERFLIGHT ZONE



OTO'S JAPAN FOOT
FREEPORT BLVD. SACK
MANTO, CA

REZONE EXHIBIT - APN: 017-0211-009
SITEMAP
NOT TO SCALE

11/13/03

A1.1

52