

CITY PLANNING COMMISSION

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

*Approved See
findings of
fact & conditions*

APPLICANT Greg Wright - 917 7th Street, Sacramento, CA 95814
OWNER Eugene Rapisura - 3445 Running Bear Lane, Reno, Nevada 89506
PLANS BY Guyer Santin - 917 7th Street, Sacramento, CA 95814
FILING DATE 8-24-87 ENVIR. DET. Neg. Dec./MM REPORT BY CV:sg
ASSESSOR'S-PCL. NO. 007-0273-012-013-023

APPLICATION: A. Negative Declaration

- B. Special Permit to allow a drive-through window for an existing restaurant
- C. Variance to locate the required back-out and maneuvering space off-site
- D. Lot Line Adjustment to merge two lots
- E. Development Agreement to pay fair-share mitigation cost identified in the Alhambra Corridor EIR (withdrawn by staff)

LOCATION: 2817-2819, 2821-2823 O Street

PROPOSAL: The applicant is requesting the necessary entitlements to add a drive-through window to an existing restaurant.

PROJECT INFORMATION:

1980 Central City Community

Plan Designation: General Commercial
Existing Zoning of Site: C-2
Existing Land Use of Site: Restaurant

Surrounding Land Use and Zoning:

North: Office; C-2
South: Multiple family; C-2
East: Interstate 80, multiple family; C-2, TC
West: Office; C-2

Parking Required: 10 spaces
Parking Provided: 15 spaces
Property Dimensions: Irregular
Property Area: 0.34+ acres
Topography: Flat
Street Improvements: Existing
Utilities: Existing

PROJECT EVALUATION: Staff has the following comments:

A. Land Use/Zoning

The subject site is zoned General Commercial (C-2) and is developed with a restaurant. Surrounding land uses include offices to the north and west, apartments to the south and Interstate 80 and apartments to the east.

APPLC. NO. P87-379 MEETING DATE October 22, 1987 ITEM NO 16

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B. Proposal

- The applicant proposes to add a drive-through window to the south elevation of an existing Jimboy's restaurant and modify the existing parking lot layout. A lot line adjustment to merge two adjacent parcels (12, 13) is also proposed.

Parking for the existing Jimboy's restaurant is provided on parcel 23 and the north one-half of parcels 12 and 13. These parking areas are paved and the applicant proposes to modify the existing location of the parking stalls to allow the addition of 60⁰ stalls between the alley and the Jimboy's restaurant. Some existing parking stalls will be relocated to provide the necessary area for the drive-through lane (see site plan). The south one-half of parcels 12 and 13 will remain vacant.

The hours of operation for the restaurant are from 7:00 a.m. to 11:00 p.m., Monday - Thursday; 7:00 a.m. to 12:00 a.m., Friday; 8:00 a.m. to 12:00 a.m., Saturday; and 11:00 a.m. to 10:30 p.m. on Sunday. The proposed hours for the drive-through window will be the same hours of operation as for the restaurant.

The restaurant presently has a total of 30-seats requiring 10-parking spaces (1:3 seat ratio requires 10 spaces). The applicant proposes a total of 15 parking spaces including one handicapped space.

C. Site Plan

The project site is located adjacent to an existing two-story apartment building to the south. The proposed drive-through lane would be located within 13±' of this apartment's building main wall.

Original site plans submitted indicated a proposed 6' high masonry sound wall along the south property line of parcel 23 adjacent to the existing apartment building. In addition, a new speaker box without a sound wall was proposed for the north half of parcel 13. Revised site plans submitted show a proposed 10' high sound wall next to the proposed speaker box and a 6' high sound wall along the south property line of parcel 23.

The applicant has submitted an acoustic evaluation. The purpose of this study was to estimate the noise impacts of the proposed drive-through restaurant on the adjacent apartment building. This study concluded that if a drive-through were constructed on the project site, there would be a negligible impact on the adjacent apartment.

The Planning Division Environmental Section has reviewed the above acoustic evaluation and had the following comments:

1. The study does not address the specific subject site constraints. It does not assess existing noise conditions at the subject site or the construction of the apartment building and how that construction does or does not effectively establish or maintain an interior dbl of 45.
2. The example used for the study of the Burger King in Davis does not substantively compare with the proposed project. The subject site is not at the intersection of two streets, but rather an alley and a

street. It is across the street from a freeway on-ramp not down the street from the ramp. Adjacent land uses for the sites are not similar.

3. The study used hypothetical situations and not comparable or concrete evidence to substantiate the claim of no impact on the apartment building.
4. The time of sampling at the Burger King (12:00 to 12:30 on a Sunday) does not appear to provide a fair representation of the peak times of use and consequent noise generation.

The County's Environmental Health noise specialist has reviewed the acoustic evaluation and has the following comments:

The Burger King comparative study does not necessarily compare to the Jimboy's restaurant on:

- a. ambient noise levels
- b. residential community
- c. distance to the receiver (residents)

D. Staff Evaluation: Drive-Through Window

Staff has evaluated this proposal relative to the following potential impacts:

1. Noise
2. Effects of sound wall on adjacent apartment
3. Potential glare from automobile headlights on the adjacent apartment
4. Proximity of drive-through to adjacent apartment
5. Traffic circulation impact

a. Noise

According to the County's Environmental Health noise specialist and the City's Environmental Section, the acoustic study submitted by the applicant was not adequate for those reasons as indicated under Section C Site Plan. In addition, the County noise specialist has indicated the proposed 6' high sound wall adjacent to the existing apartment would not be adequate to satisfactorily mitigate the expected noise impacts on this apartment. The noise specialist indicated this sound wall would have to be a minimum of 8' high to mitigate the expected noise created by the addition of the drive-through window. In addition, the noise specialist indicated other noise mitigation measures would be required.

b. Effects of the Sound Wall on the Adjacent Apartment

As indicated in the noise section above, a minimum 8' high sound wall is required in conjunction with other noise mitigation measures to satisfactorily mitigate noise resulting from this proposal. Staff finds that an 8' high sound wall located next to the drive-through lane as proposed would be approximately 14+ feet from the adjacent apartment. Staff finds an 8' high wall here would significantly affect the availability of light and air to the adjacent apartment.

c. Potential Glare from Automobile Headlights on the Adjacent Apartment

Staff notes that along the west wall of the adjacent apartments there are several windows. Staff is concerned that the headlights of cars, after they pass the speaker box, would produce unwanted glare and noise on the adjacent apartment windows.

d. Proximity of Drive-Through to the Adjacent Apartment

One of staff's major concerns is the location of the proposed drive-through lane and drive-through window to the adjacent apartment building. Staff notes the drive-through lane would be located approximately 14 feet from the apartment and the proposed drive-through window would be located approximately 28 feet from the apartment building.

Staff does not recall ever having recommended approval of a drive-through lane within 14 feet of an existing apartment building. Staff does not believe there are any acceptable mitigation measures that would adequately address staff's concerns regarding noise and the effects of the sound wall reducing light and air to the adjacent apartments.

e. Traffic Circulation Impact

Staff believes there is a potential of cars stacking into the alley when waiting in the drive-through line. This could create a traffic hazard in the alley. In addition, the drive-through exit has a utility pole on the south corner; and the adjacent apartment has three to four back-out parking spaces which could cause traffic accidents.

Staff, in its evaluation of this proposal, has considered additional mitigation measures such as:

1. increasing the sound wall height adjacent to the apartment to 8';
2. not permitting any speaker system at the drive-through window;

3. reducing the hours of operation proposed for the drive-through window to 10:00 p.m., Monday - Friday and 11:00 p.m., Saturday - Sunday.
4. relocation of the utility pole;
5. elimination of the 60° parking on the alley.

Staff concludes that even with the above mitigation measures, the overall project's noise impacts on the adjacent apartment building and potential traffic impact on the alley and 29th Street cannot be satisfactorily mitigated. Staff, therefore, recommends denial of this project.

E. Lot Line Adjustment

The applicant proposes to merge parcels 12 and 13. The north one-half of parcels 12 and 13 is presently used as a parking lot. The south one-half of these parcels will remain vacant. Staff notes the south one-half of parcels 12 and 13 are covered with a low groundcover of weeds. Staff does not object to this provided these weeds are cut on a regular basis (at least once per year). Should parcels 12 and 13 be developed with parking, a 4' wide planter is required along O Street and a 6' high masonry wall is required on the east property line of parcel 12 adjacent to the apartments. In addition, a parking facilities permit would be required.

Staff recommends approval of the lot line adjustment by adopting the attached resolution.

F. Variance - Parking

The applicant requests a variance to allow the required back-out and maneuvering area for seven parking spaces located on parcel 23 to be located off-site on the adjacent parcel 12. Five parking spaces located on parcels 12 and 13 also require a variance to allow the required back-out and maneuvering area to be located on parcel 23 (see site plan).

Staff has no problem with the variance request provided the applicant submits a reciprocal access easement for the Planning Director's review and approval prior to the issuance of a building permit. This access easement shall be recorded. If the drive-through lane is eliminated, a more efficient parking layout could be designed with more spaces.

G. Proposed Planter Removal

The applicant proposes to remove an existing planter located in the public right-of-way adjacent to 29th Street. Staff has no problem with this provided permission is obtained from the Public Works Department prior to the removal of this planter.

H. Interdepartmental Review

This proposal was reviewed by the City Departments of Traffic Engineering, Engineering, Real Estate; Sacramento Old City Association, and Regional Transit and the following comments were received:

of idling vehicles specifically. This type of use is inappropriate in the older neighborhoods of the city that are more pedestrian-oriented.

3. Engineering

1. Pay off any assessments.
2. File parcel map waiver and certificate of compliance with the Public Works Department prior to recordation.
3. Show existing easements.

ENVIRONMENTAL DETERMINATION:

The Environmental Coordinator has determined this project will not have a significant impact on the environment and has filed a negative declaration.

RECOMMENDATION: Staff recommends the Commission take the following actions:

- A. Ratify the negative declaration;
- B. Deny the special permit based upon the findings of fact which follow;
- C. Approve the variance to allow back-out and maneuvering area off-site, based upon the condition and findings of fact which follow; and
- D. Approve the lot line adjustment by adopting the attached resolution.

Condition - Variance

A reciprocal access easement agreement for apn: 007-012-013,023 to permit back-out and maneuvering shall be submitted to the Planning Director for his approval prior to the issuance of a building permit. This easement shall be recorded.

Findings of Fact - Special Permit

1. The project is not based upon sound principles of land use in that the proposed drive-through use is not a compatible use with the adjacent two-story apartment building.
2. The project will be detrimental to the public health, safety or welfare and result in the creation of a nuisance in that:
 - a. the noise mitigation measures proposed are not adequate to mitigate the noise impact on adjacent residential development;
 - b. encouraging additional drive-through traffic would not be compatible with residential uses located approximately 14' from the subject site; and

- c. the design and location of the drive-through lane could create stacking of vehicles into the alley which has the potential to create circulation conflicts and accidents.
- 3. The proposed project is not consistent with the following goals of the Central City Community Plan to:
 - a. "provide an environment which is free of annoying noise and continue to reduce air pollution."
 - b. reduce the impact of traffic upon residential neighborhoods and discourage where possible through traffic in residential areas.

Findings of Fact - Variance

- 1. Granting the variance does not constitute a special privilege extended an individual applicant in that variances have been granted for similar circumstances.
- 2. The variance is not a use variance because parking areas are allowed in the C-2 zone.
- 3. Granting the variance will not constitute a disservice to surrounding property because the existing parking lot is not being expanded.
- 4. The proposed project is consistent with the City's Discretionary Interim Land Use Policy because the site is designated for commercial use by the 1980 Central City Community Plan and the parking lot conforms with the plan designation.

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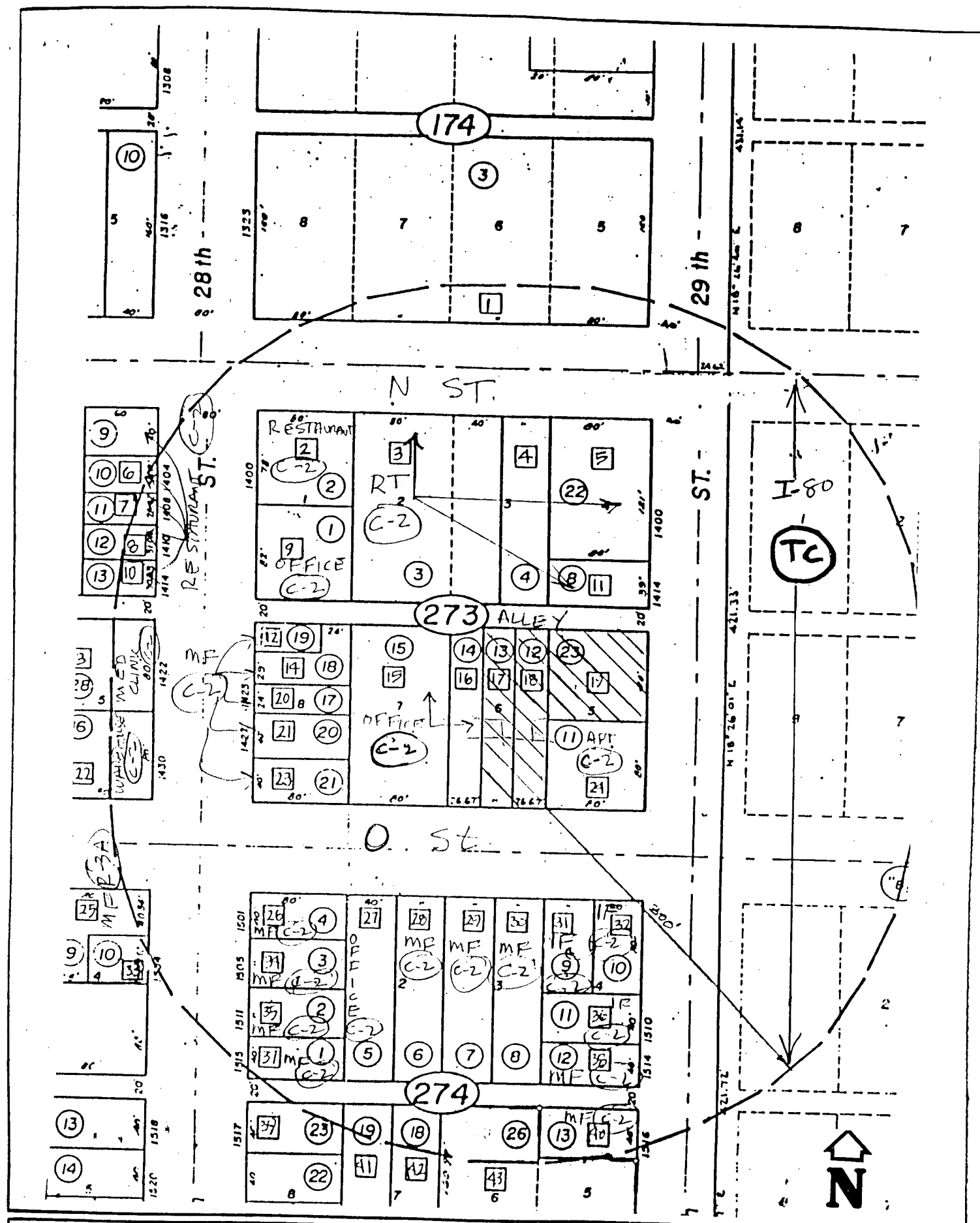
VICINITY MAP



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10-8-87
11-12-87

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LAND USE & ZONING MAP

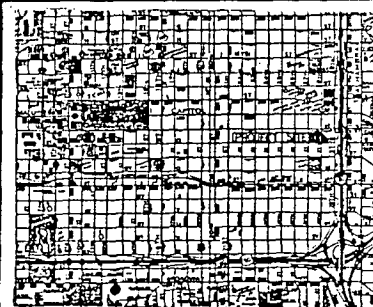
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18-22-87

ITEM 16-8

JIMBOY'S DRIVE-THRU

1420 29th STREET, SACRAMENTO, CA.



VICINITY MAP

SHEET INDEX

T1	TITLE / SITE PLAN
T2	DETAILS & SECTIONS

JIMBOY'S DRIVE-THRU
1420 29th STREET, SAC. CA.

TITLE / SITE PLAN

SITE PLAN

SACRAMENTO, CA 95815

Delete this parking stall

29th STREET

6713 29th STREET

(B) RESTAURANT

SEATING - 40
PARKING SPOTS - 10
PARKING PROVIDED - 15

DRIVE THROUGH WINDOW

(B) PAINTER

LOT 23

DO NOT ENTER
DEFEND ONLY

(A) 4" CONCRETE REINFORCED (10")
(A) 4" PAINTED / TRIMMED LANE
WHITE PAINTED OVERLAP "SLANT"
OUT "PAINT" STRIPES PRIOR TO PAINTING

DEMOLISH & REMOVE (E) COLE PLANTING & 8' CHU LINA WALL ONLY CUT LINE 2' FROM EDGE PLANTING & EAVES OVERHANG. MATCH DRIVE & SIDEWALK MATCHLINE (E) PLANTING

(N) CHU SOUND WALL 3' HIGH THIS AREA

3' high sound wall here.

DEMOLISH EXIST. INTERIOR SEATING BOOTH & INSTALL NEW DRIVE-THRU WINDOW. TRUCK ACCESS SECURITY 1' 4" AUTOMATIC SERVICE OPENING

(B) DOOR TO BE SELED SHUT

(E) COLE LINE & CHU LINE

(A) 4" WHITE PAINTED LANE STRIPE

APTS

6' high sound wall

(N) 1" CHU (CONCRETE) SECURITY UNIT SAND WALL

(E) PROPERTY / E.O.V. LINE

(B) FENCE

(N) 1" 4" MUL CHALLENGE LINE - CONCRET. D.B. SYMMETRIC GRADING 1" 4"

(E) TERRAIN BULKWORK

(N) 2" 4" MUL TO PVC. EDGE CONJUNCT. SHALL CUT (E) MATERIAL FOR TRENCH MIN. COVER = 24" MIN. WALL. SEE DET.

RECOMMENDED LOCATION OF Speaker Box

(N) 4" COLE CURB PLANTING SEE DETAIL (A)

(N) 4" WHITE STRIPING

REELS OF (E) PAINTING

PROPOSED 10' high sound wall

Proposed Speaker Box

SEE DETAIL FOR WALL DETAILS

(N) 4" WHITE STRIPING

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SITE PLAN

10' x 11'



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11-12-87

Don H.

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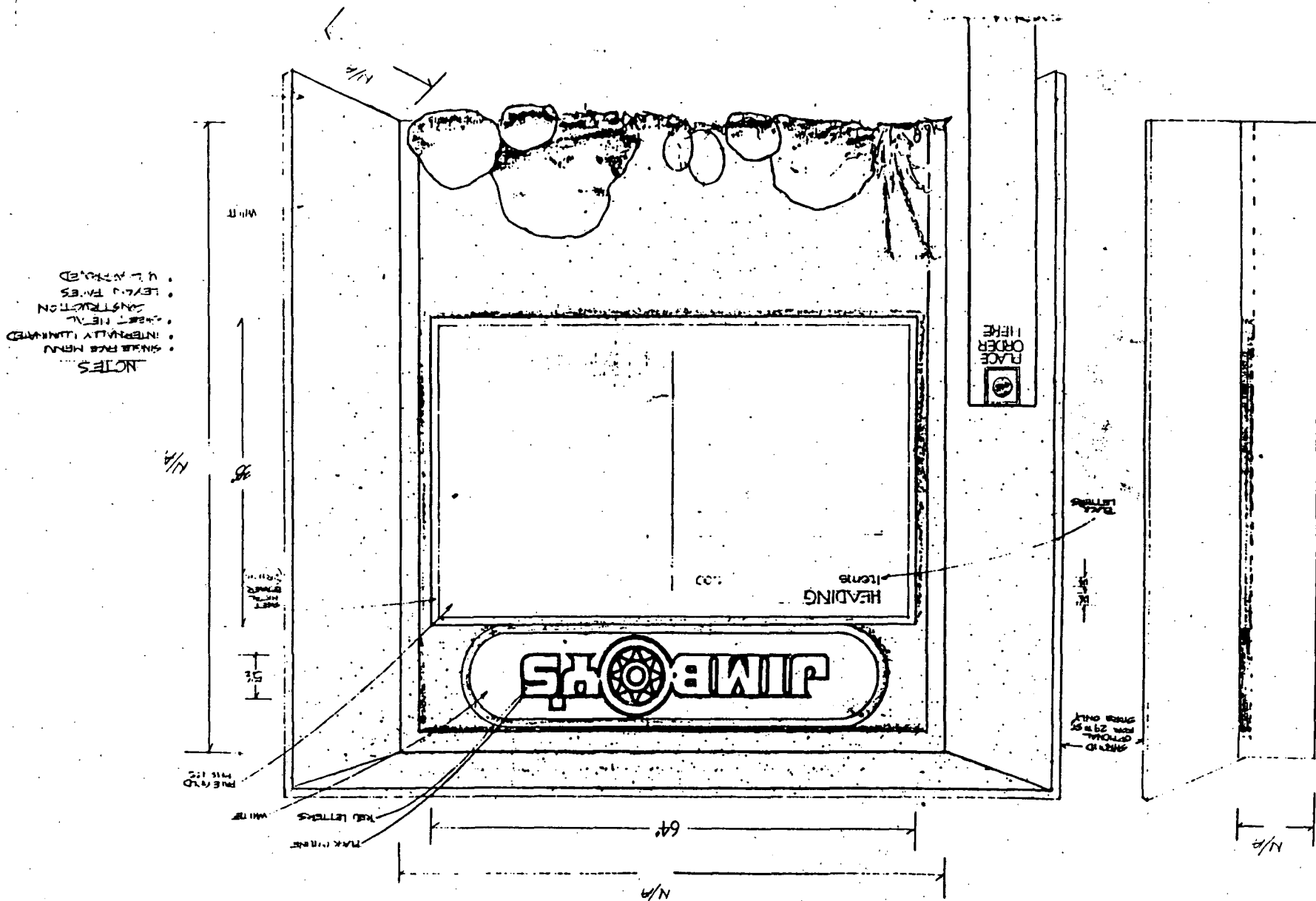
MENU BOARD

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WESTERN SIGN CO., INC.
7500 GREEN VALLEY ROAD, PLACERVILLE, CA. 92667
(916) 833-3785 SINCE 1958 (916) 832-1420



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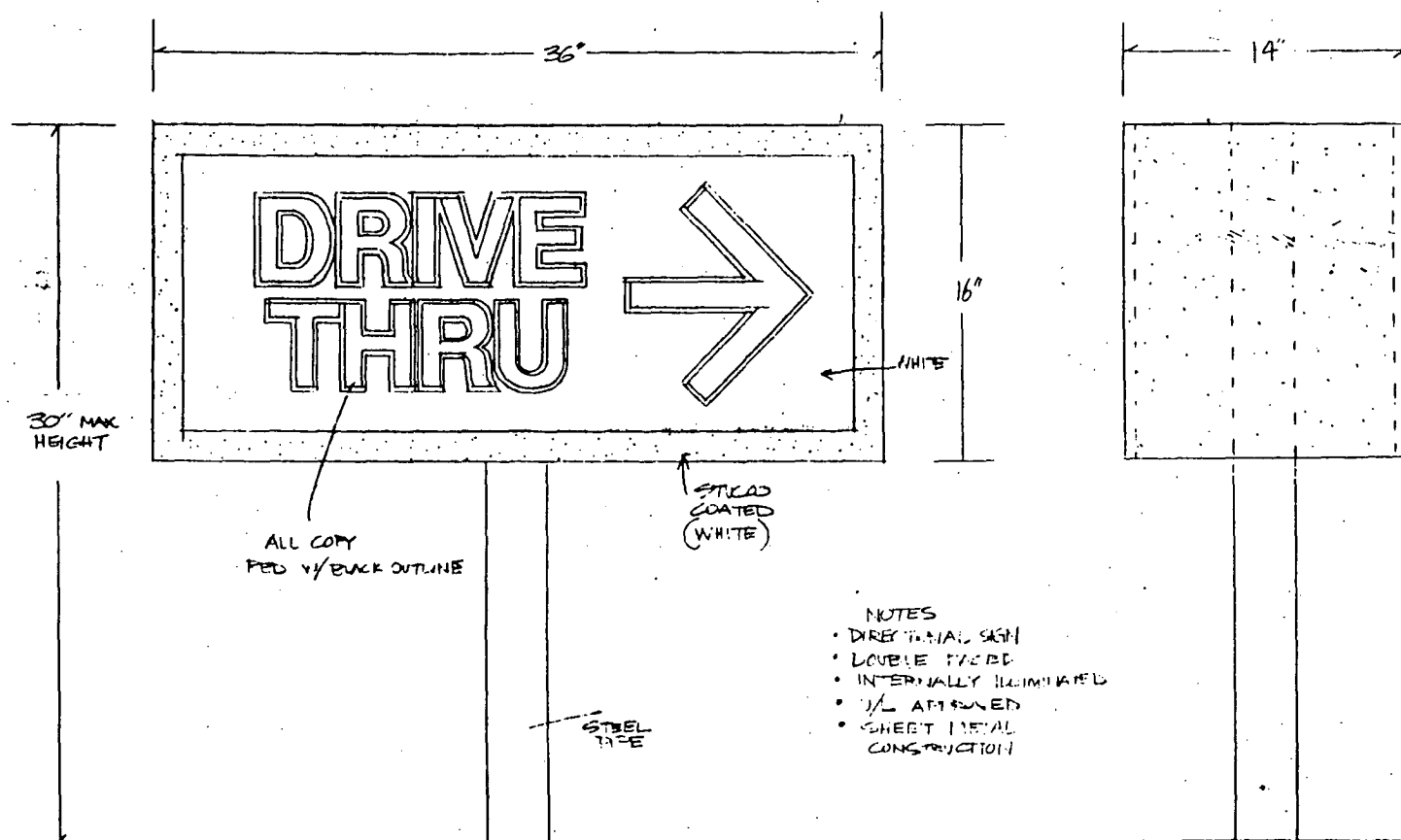
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ITEM #

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- NOTES
- DIRECTIONAL SIGN
 - DOUBLE Faced
 - INTERNALLY ILLUMINATED
 - 1/2\"/>

STEEL
TYPE

DIRECTIONAL SIGN

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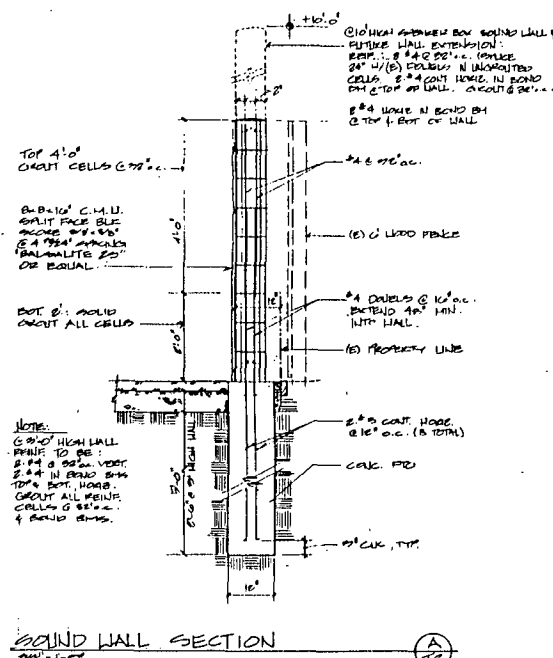
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JOB LOCATION DIRECTIONAL SIGN	
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DATE 1-1-88	DRAWN BY [Signature]
REVISIONS [Table with 2 columns: Revision, Description]	

087-379

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ITM



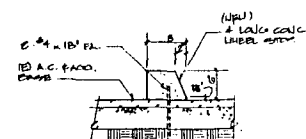
SOUND WALL SECTION

FASTORY NOTES

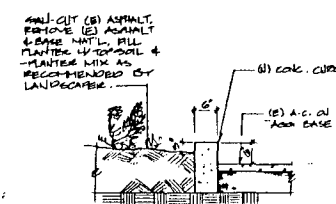
1. CONCRETE BLOCKS SHALL BE PROVIDED WITH LOAD-BEARING CAPACITY. MASONRY UNITS COMPLYING WITH THE REQUIREMENTS OF ASTM C-90 TYPE I, GRADE 1 REINFORCING CELLS SHALL BE USED. THE GROUDED SOLID WITH TYPE I GROUT SHALL BE USED AT ALL JOINTS. THE GROUT SHALL BE PLACED IN THE JOINTS AT 72 HOURS. PORTLAND SHALL BE TYPE 5 AND SHALL ATTAIN A MINIMUM OF 28 DAYS CURE. ALL JOINTS SHALL BE FULLY FILLED WITH GROUT. BED AND WALL JOINTS SHALL BE COMPLETELY FILLED WITH GROUT. PORTLAND MASONRY UNITS SHALL BE LAID UP IN STACK BOND. FOR DESIGN SPECIAL INSPECTION 28 DAYS REQUIRED.
2. ALL SHOTCRETS SHALL BE PLACED TO AVOID JOINTS, SLABS AND WALLS WITH DOWELS HAVING THE SAME TYPE AND SPACING AS WALL REINFORCING AND EXTENDING MINIMUM 10 DIA. INTO WALL, MIN. 24"
3. HORIZONTAL REINFORCEMENT SHALL NOT BE PLACED IN MORTAR JOINTS BUT SHALL BE PLACED IN BOND BEAM UNITS OR UNITS WITH NOTCHED JOINTS. ALL REINFORCEMENT SHALL BE PLACED AT LEAST 4" FROM ALL JOINTS AND FOOTINGS. AT THE SILL AND HEAD OF WALL OPENINGS, AT FLOOR JOINTS AND AT ALL OTHER JOINTS, REINFORCEMENT SHALL BE LAPPED. LAP SPICES FOR REINFORCEMENT SHALL NOT BE LESS THAN 30 BAR DIAMETERS, WELDED OR MECHANICAL SPICES SHALL DEVELOP 1.25 TIMES THE BAR DIAMETER.

CONCRETE NOTES

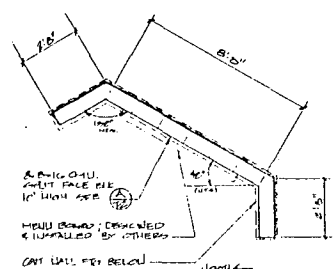
1. CONCRETE FENCINGS SHALL HAVE A 2000 PSI MIN. DESIGN MIX STRENGTH & 28 DAYS.
2. CEMENT TO CONCREIT TO RATIO 1:1.50, TYPE 1 OR 2
3. DIMENSIONS TO CONFORM TO RMTM C-150, TYPE 1 OR 2
4. REINFORCING TO BE FABRICATED AND PLACED ACCORDING TO MANUAL OF STANDARD PRACTICES, LIGENT.
5. REBAR, DOUBLES, BOLTS, ETC.,... TO BE EMBEDDED IN CONCRETE TO DEPTH



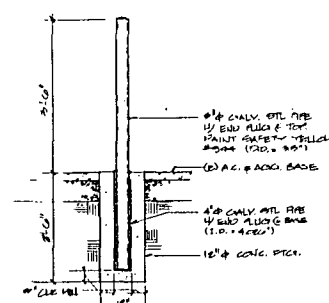
TYP. WHEEL STOP DETAIL



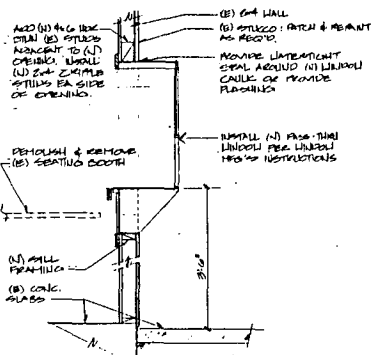
TIP. PLANTER CURB 5
T.2



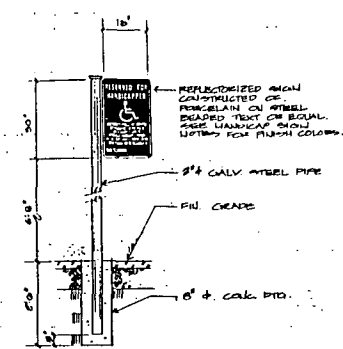
SPEAKER BOX SOUND SCREEN WALL
PLAN DETAIL
30" x 81" x 2"



TYM. BOLLARD DETAIL. (2)
NO SCALE T/E



NEW PASS-THRU WINDOW SECTION



HANDICAP PARKING SPACE SIGN DETAIL (4)
No SCALE TB

RADICAL SIGN NOTES:

1. PROVIDE AND BE REPEATED (ON A 1/2" X 3/4" SIGN AT EACH ENTRANCE, IN FULL VIEW OF THE SIGN TEXT TO BE READ) FOR RULES THAT STATE THE FOLLOWING: "UNAUTHORIZED VEHICLES NOT DISPLAYING DISTINGUISHING PLACARDS OR LICENSE PLATES ISSUED TO SPECIALLY SANCTIONED PERSONS MAY BE TOWED AWAY AT OWNER'S EXPENSE. TOWED VEHICLES MAY BE RECOVERED AT _____ OR BY TELEPHONING _____."
2. SIGN LOCATIONS:
 - a. ALL ACCESSIBLE ENTRANCES IDENTIFIED WITH MINIMUM ONE STANDARD SIGN
 - b. ADDITIONAL DIRECTIONAL SIGNS ALONG ACCESSIBLE PATH OF TRAVEL, AS REQUIRED
 - c. BUILDINGS DEDICATED TO PROVIDING ACCESSIBLE SANITARY FACILITIES FOR PEOPLE WITH PHYSICALLY HANDICAPPED PERSONS IN CONJUNCTION WITH THE BUILDING DIRECTION.
3. INTERNATIONAL SYMBOL OF ACCESSIBILITY:
 - a. STANDARD RED SQUARE WITH WHITE WHEELCHAIR SYMBOL
 - b. WHITE FIGURES (ON BLUE BACKGROUND); COLOR HEIGHT 150MM IN FEDERAL STD. 393A.
 - c. WHEN EXPOSING AGAINST DIFFERENCES IS APPROPRIATE, SPECIAL DESIGN AND COLORS MAY BE APPROVED.
4. RAISED AND RECESSED CHARACTERS AND SYMBOLS:
 - a. LETTERS AND NUMBERS MINIMUM 1/32"
 - b. RAISED SYMBOLS MINIMUM 3/8"
 - c. RECESSED SYMBOLS MINIMUM 1/4" STROKE WIDTH.
5. LETTERS AND WORDS:
 - a. WIDTH TO HEIGHT RATIO BETWEEN 3:5 AND 1:1.
 - b. STROKE WIDTH TO HEIGHT BETWEEN 1:1 AND 1:10.
 - c. CONTRAST CHARACTERS AND SYMBOLS WITH BACKGROUND.
 - d. SAME SEXIF CHARACTERS.
6. BRAILLE:
 - a. ONE CONTRASTED COLOR 2 BRAILLE. NOT TO BE 0.1 INCH OR CENTER OF EACH CELL
 - b. 0.1 INCH SPACE BETWEEN CELLS.
 - c. NOT TO BE 0.1 INCH OR CENTER OF EACH BACKGROUND.

Guy S. Santin ♦ Engineering/Architecture/Planning

Guyer Santin • Engineering

2 OF 2

JIMBOY'S DRIVE-THRU

DETAILS & SECTIONS

INNOS

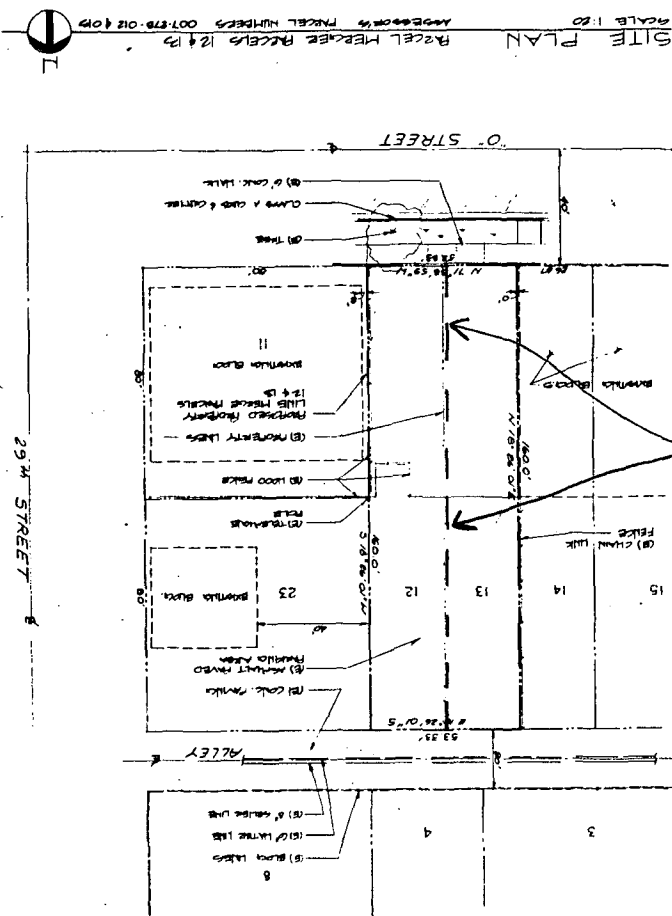
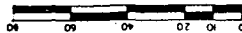
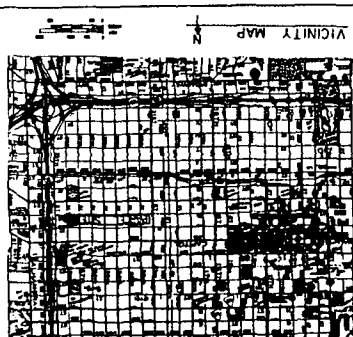
WALL SECTION

EXHIBIT A

Guver Sanjin + Associates

SITE PLAN
LARGE MEASUREMENT 12' x 15'

000081



18-22-01

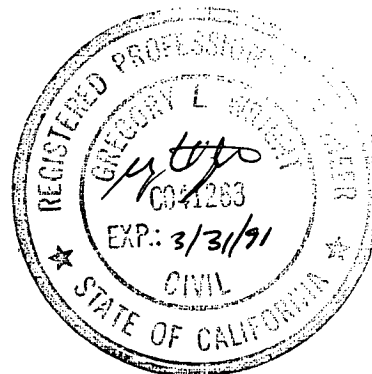
623-180

Iron

EXHIBIT B

Revised legal description for lot line merger of parcels 007-0273-012 & 013:

The East 53 1/3 feet of Lot 6 in the block bounded by "N" and "O", 28th and 29th streets, of the City of Sacramento.



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ITEM 16