

**FILED**  
 JUL 15 1986  
*Withdrawn*  
 BY THE CITY COUNCIL  
 OFFICE OF THE CITY CLERK

*25*

**CITY OF SACRAMENTO**

**FILED**  
 JUN 17 1986  
*Cont. to 7-15-86*  
 BY THE CITY COUNCIL  
 OFFICE OF THE CITY CLERK

DEPARTMENT OF PLANNING AND DEVELOPMENT  
 1231 "I" Street Sacramento, Ca. 95814

Administration  
 Room 300 449-5571  
 Building Inspections  
 Room 200 449-5716  
 Planning  
 Room 200 449-5604

**FILED**  
 FEB 4 1986  
*Cont. to 3-11-86*  
 BY THE CITY COUNCIL  
 OFFICE OF THE CITY CLERK

**FILED**  
 APR 22 1986  
*Cont. to 5-13-86*  
 BY THE CITY COUNCIL  
 OFFICE OF THE CITY CLERK

January 30, 1986

City Council  
 Sacramento, California

Honorable Members in Session:

SUBJECT: Appeal of Planning Commission's Denial of a Variance to waive 66 of 168 required parking spaces (P85-386)

LOCATION: 7007 South Land Park Drive

**FILED**  
 MAY 13 1986  
*Cont to 6-10-86*  
 BY THE CITY COUNCIL  
 OFFICE OF THE CITY CLERK

SUMMARY

The application is for a Variance to waive 66 of 168 required parking spaces for an existing restaurant and retail shops. The request was opposed by Planning staff and denied by the Planning Commission. The applicant has appealed the decision of the Commission to the City Council.

BACKGROUND INFORMATION

The subject site is developed with two structures which contain retail shops and a large restaurant. Prior to completion of the second structure containing the restaurant, a Variance was requested and approval was given to locate 66 of the required spaces off-site on an adjacent parcel located on the east side. The applicant is now requesting to eliminate the 66 spaces.

Staff reviewed the applicant's request and found no grounds to justify granting the Variance. All new restaurants and retail stores must comply with the same requirements. Allowing the reduction of 66 spaces will impact adjacent residential and commercial properties. Currently there is a small amount of on-street parking spill over to the adjacent residential and commercial properties. Eliminating the availability of 66 spaces will increase this impact.

VOTE OF THE PLANNING COMMISSION

On November 14, 1985, the Commission voted eight ayes, one absent to deny the Variance.

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City Council

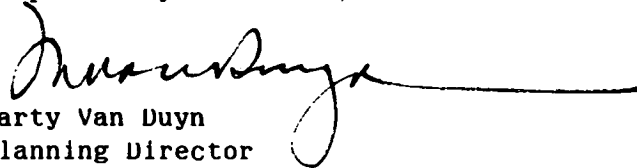
-2-

January 30, 1986

RECOMMENDATION

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

Respectfully submitted,



Marty Van Duyn  
Planning Director

FOR CITY COUNCIL INFORMATION

WALTER J. SLIPE  
CITY MANAGER

AG: pkb  
attachments  
P85-386

February 4, 1986  
District No. 8

~~25~~  
~~25~~  
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Appeal of Dennis Greenbaum vs. City of )  
Sacramento Planning Commission's Denial )  
of a Variance to Waive 66 Required )  
Parking Spaces for a Restaurant and )  
Retail Commercial Uses at 7007 South )  
Land Park Drive (P85-386) )

NOTICE OF DECISION  
AND  
FINDINGS OF FACT

At its regular meeting of February 4, 1986, the City Council heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Council denied the appeal based on the following findings:

1. There are no unusual circumstances or hardships to warrant justification for approval of the Variance;
2. The granting of the Variance would constitute a special privilege extended to one individual property owner in that similar uses would be required to comply with Zoning Ordinance parking regulations;
3. The Variance, if approved, would be injurious to the public welfare of surrounding properties in that it would result in parking problems in front of adjacent residential homes and on adjacent commercial sites.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

P85-386

SACRAMENTO CITY PLANNING COMMISSION

19 20 21 22 23 24 25

MEETING DATE November 14, 1985

ITEM NO. 11B FILE P 85-386

M \_\_\_\_\_

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

Location: 7007 South Land Park Drive

Recommendation:

- Favorable
- Unfavorable *WTF*
- Petition
- Correspondence

PROPONENTS

NAME ADDRESS  
Annis Greenbaum - 2108 11th Avenue, Sacramento, CA 95818

OPPONENTS

NAME ADDRESS  
Bill Brodovskoy

MOTION NO. \_\_\_\_\_

	YES	NO	MOTION	SECOND
Ferris	<i>absent</i>			
Fong	✓			
Goodin	✓			
Holloway	✓			
Hunter	✓		✓	
Ishmael	✓			
Ramirez	✓			
Simpson	✓			
Augusta	✓			✓

MOTION

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

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#29

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

DATE: 11-19-85

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City  
Planning Commission of 11-14-85 when:  
(Date)

       Rezoning Application                      X   Variance Application  
       Special Permit Application       

was:        Granted   X   Denied by the Commission

GROUND FOR APPEAL: (Explain in detail)

We feel that a Parking Reduction Variance should be granted because the owner faces serious hardship due to a requirement that he lease extra parking spaces which time has proven he never needs. The high parking requirement is derived from the banquet facility which is used only 2-3 times a month. This usage occurs during hours when most of the retail spaces are closed. We feel that this places an unnecessary burden on the owner who is providing an eating facility which is unique to the area.

PROPERTY LOCATION: 7007 South Land Park Drive

PROPERTY DESCRIPTION: Restaurant & Retail Shops

ASSESSOR'S PARCEL NO. 029 - 470 - 11

PROPERTY OWNER: Jack Wai Lim

ADDRESS: 7007 South Land Park Drive

APPLICANT: Demis F. Greenbaum, Architect

ADDRESS: 2108 11th Avenue Sacramento, CA 95818

APPELLANT: (  ) ( Dennis F. Greenbaum )  
(SIGNATURE) PRINT NAME

ADDRESS: 2108 11th Avenue Sacramento, CA

FILING FEE:

by Applicant: \$105.00 RECEIPT NO. \_\_\_\_\_

by 3rd party: 60.00

FORWARDED TO CITY CLERK ON DATE OF: \_\_\_\_\_

P- 85-386

5/82

DISTRIBUTE TO -  
(4 COPIES REQUIRED): MVD  
AG  
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# CITY PLANNING COMMISSION

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

<b>APPLICANT</b>	Dennis Greenbaum, 2108-11th Avenue, Sacramento, CA 95818		
<b>OWNER</b>	Jack Wai Lim, 7007 South Land Park Drive, Sacramento, CA 95831		
<b>PLANS BY</b>	Dennis Greenbaum, 2108-11th Avenue, Sacramento, CA 95818		
<b>FILING DATE</b>	9-20-85	<b>ENVIR. DET.</b>	9-30-85
<b>REPORT BY</b>	FG:sg		
<b>ASSESSOR'S-PCL. NO.</b>	029-470-11		

**APPLICATION:** A. Negative Declaration

B. Variance to waive 66 of 168 required parking spaces

**LOCATION:** 7007 South Land Park Drive

**PROPOSAL:** The applicant is requesting the necessary entitlements to waive 66 of 168 required parking spaces for an existing restaurant and retail shops.

**PROJECT INFORMATION:**

1974 General Plan Designation: Commercial & offices  
1969 North Pocket Community  
Plan Designation: Shopping-commercial  
Existing Zoning of Site: C-2  
Existing Land Use of Site: Restaurant/retail shops

<b>Surrounding Land Use and Zoning:</b>	<b>Setbacks:</b>	<b>Required</b>	<b>Provided</b>
North: Residential; R-1	Front:		
South: Commercial; C-2	Side(Int): Existing structures		
East: Commercial; C-2	Side(St):		
West: Residential: R-3 & R-1	Rear:		

Parking Required: 168 spaces  
Parking Provided: 168 spaces  
Property Area: 1.62+ acres  
Square Footage of Building: 20,000 sq. ft.  
Height of Building: One-story  
Topography: Flat  
Street Improvements: Existing  
Utilities: Existing

**BACKGROUND INFORMATION:** On November 8, 1979, the Planning Commission approved a variance for off-site parking (126 spaces) (P-8808) for the subject user.

**PROJECT EVALUATION:** Staff has the following comments regarding this project:

- A. The subject site is developed with a restaurant and retail shops. The site is zoned General Commercial (C-2) and is designated for commercial uses on the General Plan and the 1976 North Pocket Community Plan. Surrounding uses include single family, multi-family, and commercial uses.
- B. The applicant is requesting a variance to waive 66 of 168 required parking spaces. The subject site provides 102 spaces with an additional 120 lease spaces being located on an adjacent lot. The applicant has provided information (see Exhibit A) which indicates that the usage of the

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restaurant/retail shops is not as great as was once anticipated. The applicant has not indicated any specific hardship which necessitates the granting of the variance other than a personal hardship. Staff did a lunch time survey of the subject site and found the parking lot at the rear of the site to be nearly vacant with the remainder of the on-site parking to be approximately half full.

Staff would recommend against the variance request, however staff would suggest as an alternative that the number of seats in the restaurant be reduced by an equivalent number to equal the number of parking spaces now provided on the site. Approximately 200 seats would have to be removed to accommodate the amount of parking located on site.

C. The proposal has been reviewed by the Traffic Division and the Police and Fire Departments. They had no comments.

ENVIRONMENTAL DETERMINATION: The Environmental Coordinator has reviewed the project and has determined that there could not be a significant impact on the environment and has prepared a negative declaration.

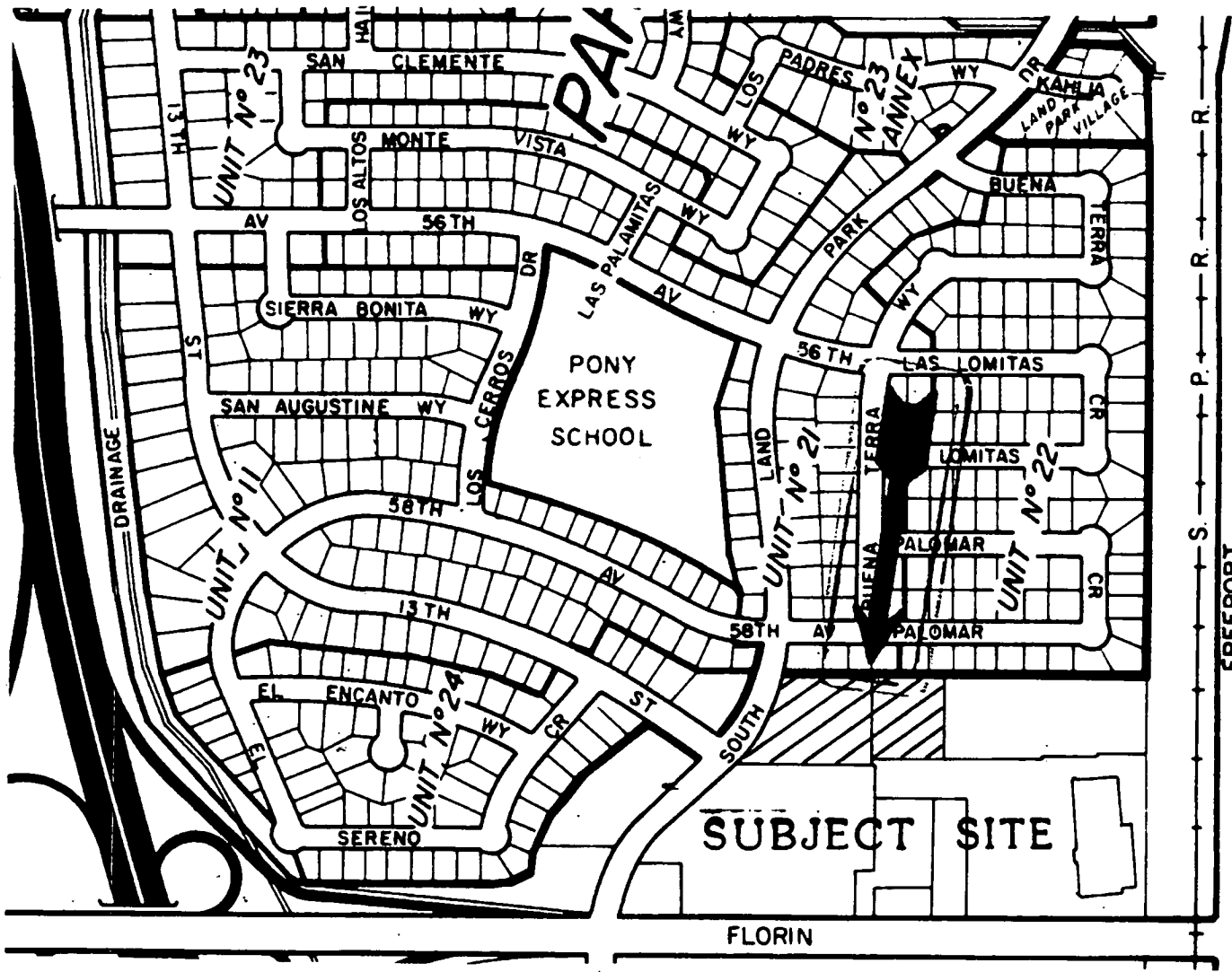
RECOMMENDATION: Staff recommends the following action:

- A. Ratify the negative declaration;
- B. Deny the variance, based upon the findings of fact which follow:

Findings of Fact

1. There are no unusual circumstances or hardships to warrant justification for approval of the variance.
2. The granting of the variance would constitute a special privilege extended to one individual property owner in that similar uses would be required to comply with Zoning Ordinance parking regulations.
3. The variance, if approved, would be injurious to the public welfare and surrounding properties in that it would create parking problems and impact off site parking should the uses intensify.

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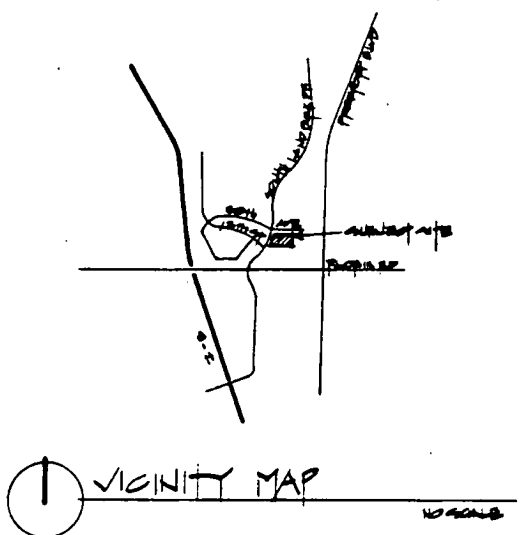
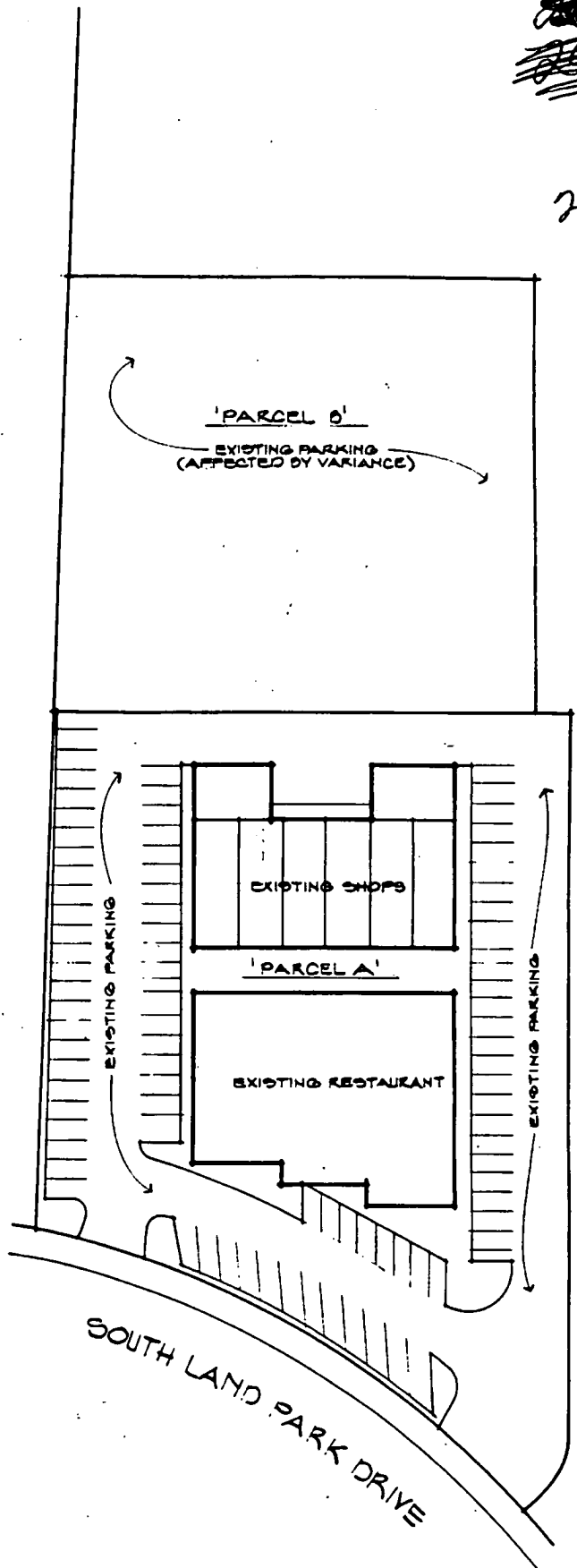
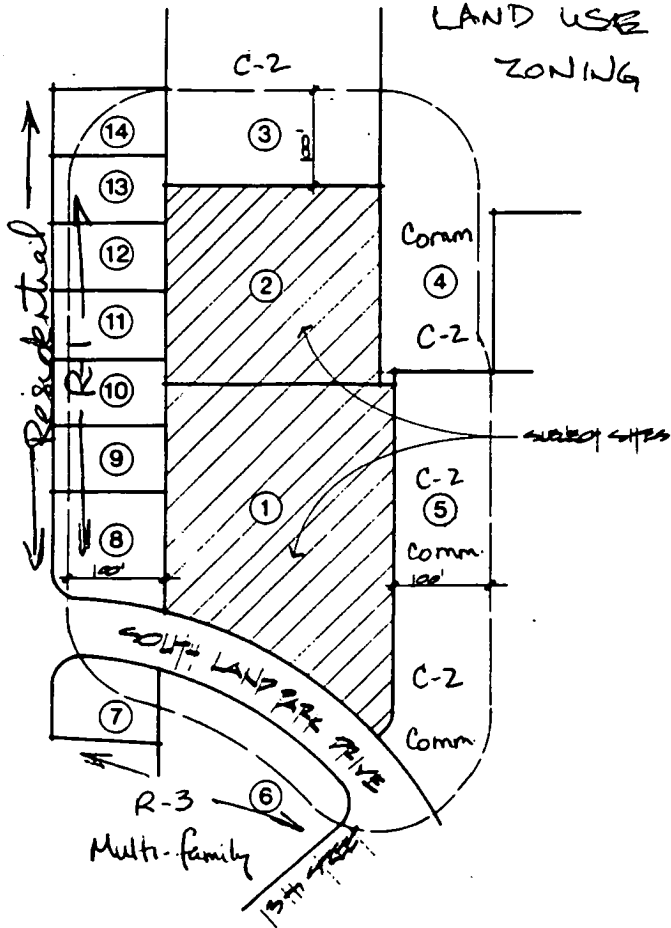


# VICINITY MAP

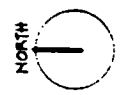
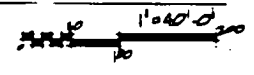


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LAND USE & ZONING



SITE PLAN



9

Item 11

STATEMENT OF INTENT

We are requesting a variance for a reduction in the number of parking spaces required for the existing structures on our site. When the present structures were completed, it was established that approximately 168 spaces were required. The existing site (parcel 1) provides 102 spaces. The need for additional spaces was met by leasing additional parking (parcel 2) which provides 120 spaces.

Over the past several years, it has become evident that the additional parking (parcel 2) is not necessary to handle the parking load and essentially is rarely, if ever, used.

The following statistics are provided to help explain the present parking situation. Again, this has been established over the last several years and no significant change is at all projected over the next five to ten years.

P 853856

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10-24-85

Item 11

POS-386

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PARKING REQUIREMENTS

RESTAURANT SPACES REQUIRED

DINING ROOM	31	(94 SEATS @ 1/3)
BANQUET ROOM	100	(300 SEATS @ 1/3)
	<hr/>	
	131	TOTAL

RETAIL SPACES REQUIRED

9300 s.f. (@ 1/250)      37 TOTAL

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TOTAL REQUIRED SPACES 168

PARKING ON SITE    102  
PARKING LEASED    120

EXISTING PARKING SITUATION

RESTAURANT & RETAIL

	EMPLOYEE PARKING	18-20 SPACES
HEAVIEST CUSTOMER USE PERIODS	11:00 AM TO 2:00 PM	45-50 SPACES
	6:00 PM TO 9:00 PM	35-40 SPACES

MAXIMUM PARKING NEEDED DURING  
NORMAL BUSINESS DAY      64 SPACES

MAXIMUM PARKING NEEDED FOR  
BANQUET USE (EVENING OR WEEKEND)      85-95 SPACES

IT SHOULD BE NOTED THAT THE RETAIL SHOPS HAVE LIMITED  
OPERATING HOURS IN THE EVENING AND ON WEEKENDS. ONLY  
TWO SHOPS ARE OPEN ON SUNDAY.

**P 853856**

P85-386

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10-24-85

Item 11

LAW OFFICES  
**KONG, YUN & SAKUMA**  
25TH & J STREETS BUILDING  
2430 J STREET  
SACRAMENTO, CALIFORNIA 95816

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RECEIVED  
CITY CLERKS OFFICE  
CITY OF SACRAMENTO  
MAY 15 9 07 AM '86

(916) 441-6255

CLEMENT J. KONG  
STEPHEN L. YUN  
MAMORU SAKUMA  
MICHAEL W. SCHOENLEBER  
BERNICE L. LOUIE YEW  
ALFRED H. SONG

May 13, 1986

Office of the City Clerk  
City of Sacramento  
915 I Street, Room 203  
Sacramento, CA 95814

Re: Hearing before City Council for appeal of  
Planning Commission's denial of variance at  
7007 South Land Park Drive, Sacramento, CA  
(#P85-386)

Dear Madam:

This will confirm my secretary's conversation with Art Gee  
of the Planning Commission wherein the above-referenced meeting,  
which had been scheduled for May 13, 1986, and then continued to  
June 10, 1986, was further continued to June 17, 1986, pursuant  
to the request of Mr. Brodovsky.

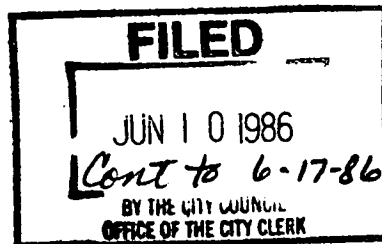
Thank you for your continuing courtesies in this matter.

Very truly yours,

*Clement J. Kong*  
CLEMENT J. KONG

sj

cc: Jack Lim



GREENBAUM  
WHITELAM  
ARCHITECTS

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CITY OF SACRAMENTO

FEB 10 12 59 PM '86

Dennis Greenbaum, Architect  
Bruce Whitelam, Designer

February 7, 1986

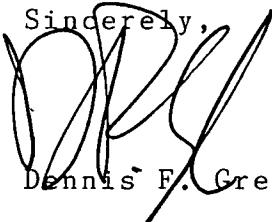
Office of the City Clerk  
City of Sacramento  
915 I Street, Room 203  
Sacramento, Ca. 95814

Re: Hearing before the City Council on March 11, 1986, for  
appeal of Planning Commission's denial of variance at  
7007 South Land Park Drive, Sacramento, Ca.

Sirs:

We wish to continue the hearing until the Council meeting  
scheduled for March 18, 1986.

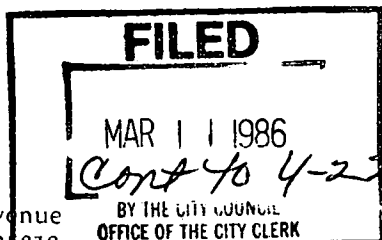
Sincerely,



Dennis F. Greenbaum

cc Clement Kong

DFG/ch



2108 Eleventh Avenue  
Sacramento CA 95811  
(916) 447-4141

GREENBAUM  
WHITELAM  
ARCHITECTS

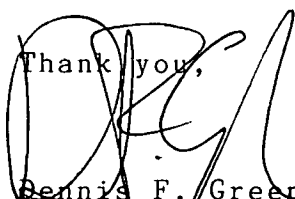
DENNIS GREENBAUM ARCHITECT      BRUCE WHITELAM  
2108 11TH AVENUE SACRAMENTO CALIFORNIA 95818 (916) 447-4141

2/30/86

Office of the City Clerk  
City of Sacramento  
915 I Street Room 203  
Sacramento, California  
95814

Re: Hearing before the City Council on 2/4/86 for appeal  
of Planning Commission's denial of variance at  
7007 South Land Park Drive, Sacramento, California.

We wish to continue the hearing until the Council meeting  
scheduled for March 11, 1986

Thank you,  
  
Dennis F. Greenbaum  
2108 11th Avenue  
Sacramento, California  
95818  
447 4141

cc Clement Kong

DFG/ ch

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CITY CLERK'S OFFICE  
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P-85386 (9)

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GREENBAUM  
WHITELAM  
ARCHITECTS

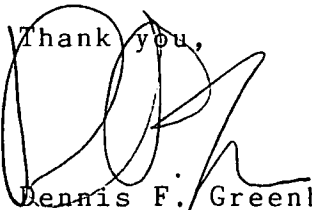
DENNIS GREENBAUM ARCHITECT      BRUCE WHITELAM  
2108 11TH AVENUE SACRAMENTO CALIFORNIA 95818 (916) 447-4141

12/19/85

Office of the City Clerk  
City of Sacramento  
915 I Street Room 203  
Sacramento, California  
95814

Re: Hearing before City Council on 12/30/85 for appeal  
of Planning Commission's denial of variance at  
7007 South Land Park Drive, Sacramento, California.

We wish to continue the hearing until the Council meeting  
scheduled for February 4, 1986.

Thank you,  
  
Dennis F. Greenbaum  
2108 11th Avenue  
Sacramento, California  
95818  
447 4141

cc Clement Kong

DFG/ ch

*Cont to 03-11-86*

(17) File

LAW OFFICES  
**KONG, YUN & SAKUMA**  
25TH & J STREETS BUILDING  
2430 J STREET  
SACRAMENTO, CALIFORNIA 95816

CITY PLANNING DEPARTMENT  
JUN 16 1986  
RECEIVED

(916) 441-6255

CLEMENT J. KONG  
STEPHEN L. YUN  
MAMORU SAKUMA  
MICHAEL W. SCHOENLEBER  
BERNICE L. LOUIE YEW  
ALFRED H. SONG

June 13, 1986

Ms. Leslie Uldridge  
City Planning - Advance Planning  
1231 I Street, Room 300  
Sacramento, CA 95814

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CITY CLERK'S OFFICE  
CITY OF SACRAMENTO  
JUN 16 11 18 AM '86

Re: Hearing before City Council for appeal of  
Planning Commission's denial of variance at  
7007 South Land Park Drive, Sacramento, CA  
(#P85-386)

Dear Ms. Uldridge:

This will confirm my secretary's conversation with you of  
this date wherein the above-referenced matter, which had been  
scheduled for hearing on June 17, 1986, was continued to July 15,  
1986.

Thank you for your courtesy and cooperation in this matter.

Very truly yours,

*Clement J. Kong*  
CLEMENT J. KONG

sj

cc: Hoi Sing Restaurant  
William Brodovsky  
Hon. Tom Chinn  
Hon. Lynn Robie



RECEIVED  
CITY CLERKS OFFICE  
CITY OF SACRAMENTO

JUL 15 2 16 PM '86

LAW OFFICES  
**KONG, YUN & SAKUMA**  
25<sup>TH</sup> & J. STREETS BUILDING  
2430 J STREET  
SACRAMENTO, CALIFORNIA 95818

*Dave*

CITY PLANNING DEPARTMENT  
JUL 14 1986

RECEIVED

25  
*Art*  
*Gee*

(916) 441-6255

CLEMENT J. KONG  
STEPHEN L. YUN  
MAMORU SAKUMA  
MICHAEL W. SCHOENLEBER  
BERNICE L. LOUIE YEW  
ALFRED H. SONG

July 11, 1986

City Planning - Advance Planning  
1231 I Street, Room 300  
Sacramento, CA 95814

Re: Hearing before City Council for appeal of  
Planning Commission's denial of variance at  
7007 South Land Park Drive, Sacramento, CA  
(#P85-386)

Dear Sir or Madam:

This is to advise you that a settlement has been reached  
this date in the above-referenced matter and we wish to abandon  
the appeal hearing which is presently set for July 15, 1986, at  
7:30 p.m.

We would appreciate your notifying all interested parties.

Thank you for your courtesy and cooperation.

Very truly yours,

*Clement J. Kong*  
CLEMENT J. KONG

CJK:sj

cc: Hoi Sing Restaurant  
William Brodovsky  
Hon. Tom Chinn  
Hon. Lynn Robie  
Art Gee (City Planning)

July 17, 1986

Dennis F. Greenbaum, Architect  
2108 11th Avenue  
Sacramento, CA 95818

On July 15, 1986, the following matter was scheduled to be heard before the City Council after having been previously continued.

Appeal of Planning Commission's Denial of a Variance to waive 66 of the 168 required parking spaces for 1.62± acre lot development with a restaurant and retail shops in the General Commercial, C-2 zone for property located at 7707 South Land Park Drive. (P-85386)

This hearing has been **WITHDRAWN**.

Any questions regarding this hearing should be referred to the **City Planning Department, 1231 I Street, Sacramento, California, phone (916) 449-5604.**

Sincerely,

Lorraine Magana  
City Clerk



ANNE MASON  
Assistant City Clerk

AM/lw

cc: Planning Department  
Jack Wai Lim, 7007 South Land Park Dr., Sacramento 95831  
Mailing List for P-85386 - 12