



REPORT TO COUNCIL City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www. CityofSacramento.org

PUBLIC HEARING
April 7, 2009

**Honorable Mayor and
Members of the City Council**

Title: Sutterville KFC and Long John Silver's Restaurant with Drive-Through Service (P08-002) (Appeal)

Location/Council District: 2128 Sutterville Road, between 21st and 22nd Streets.
Assessor's Parcel Number: 018-0014-005, Council District 5

Recommendation: Conduct a public hearing and upon conclusion adopt 1) a **Resolution** approving the environmental exemption per CEQA Guidelines Section 15332 (Infill Development); and 2) a **Resolution** approving the Sutterville KFC/Long John Silver's Restaurant with Drive-through Service Project.

Contact: Jamie Cutlip, Associate Planner (916) 808-8684; Joy Patterson, Principal Planner (916) 808-5607

Presenters: Jamie Cutlip, Associate Planner / Linda Budge, GeoMetra Planning and Permitting

Department: Development Services

Division: Current Planning

Organization No: 21001010

Description/Analysis

Issue: KFC is currently located at 4601 Freeport Boulevard. The applicant proposes to close its current operation at 4601 Freeport Boulevard and relocate to the proposed site at 2128 Sutterville Road. This location will consist of a co-branded KFC/Long John's Silver restaurant with drive-through service. The restaurant will include outdoor seating, 22 parking stalls and eight on-site bicycle parking spaces.

Staff has received several comments and opposition regarding this project and these comments are provided as Attachment 6, page 33. Issues raised include the use of the alley, the drive-through land use, restricting traffic from the site onto Sutterville Road, the building architecture and signs. The College Plaza Neighborhood Association does not support this project (Attachment 6, page 44)

and the Sierra Curtis Neighborhood Association (Attachment 6, page 34) opposes the drive-through use. An appeal has been filed by adjacent residential neighbors opposing the location of a fast-food drive-through use at this location and is enclosed as Attachment 7, page 46.

Applicant: Linda Budge, GeoMetra Planning and Permitting

Appellant: Melanie Neves and neighbors (916) 457-5768

Policy Considerations:

The subject site is designated by the 2030 General Plan as Urban Center Low, and is not subject to any community plan or other specific plans. The proposed project is consistent with the land use designation and applicable policies of the General Plan.

2030 General Plan:

The City Council adopted the 2030 General Plan on March 3, 2009, which became effective on April 3, 2009. The adopted 2030 General Plan designates the site as Urban Center Low.

Policies governing development in the Urban Center Low land use designation provide for the intensification, redevelopment, and revitalization of Sacramento's uniquely identifiable centers that are defined by their common functional role, mix of uses, density/intensity, physical form and character, and/or environmental setting as places for commerce, employment, entertainment, culture, and living. Pedestrian-oriented activities are encouraged with plazas, cafes, bookstores, and restaurants that draw a variety of people and offer a welcome setting. Policies accommodate development of property exclusively for commercial and employment uses (without housing) and/or mixed-use projects that integrate housing with retail, office, community facilities, and other uses within the same structure or on the same site. These areas also integrate community-serving uses, such as public meeting rooms and daycare facilities in key activity areas.

Center policies ensure that their development is consistent with adjacent neighborhoods through the siting of buildings, transitions in scale, and land use mix.

The KFC / Long John Silver's restaurant with Drive-through Service is consistent with the 2030 General Plan Urban Center Low land use designation in that:

1. The restaurant use is sited on a block that is small and rectangular, allowing for convenient pedestrian access from adjacent areas;
2. The lot is relatively small and narrow, providing a fine-grained development pattern;
3. The building height does not exceed seven stories;

4. Lot coverage does not exceed 80%;
5. The building is generally sited near the sidewalk along Sutterville Road;
6. One of the building entrances is located at the sidewalk; and
7. An outdoor dining area near the sidewalk at Sutterville road is provided.

Smart Growth Principles: City Council adopted a set of Smart Growth Principles in December 2001 to encourage development patterns that are sustainable and balanced in terms of economic objectives, social goals, and use of environmental/natural resources. The project adheres to the following Smart Growth principles: 1) concentrate new development and target infrastructure investments within the urban core of the region; and 2) encourage citizen & stakeholder participation in development decisions.

Environmental Considerations: The Development Services Department, Environmental Planning Services Division (EPS) has reviewed this project and determined that it is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section number 15332 which consists of projects characterized as in-fill development.

The project consists of demolishing the existing commercial building and constructing a 3,008 square foot restaurant with a drive-through service. The proposed project is consistent with the General Plan and applicable zoning designations, is located within the City limits on a site that is not more than five (5) acres in size and is substantially surrounded by urban uses, is located at a site with no habitat value, and can be adequately served by utilities and public services. The project would not have significant effects relating to traffic, noise, air quality, or water quality.

Sustainability Considerations: The proposed KFC / Long John's Silver with Drive-through Service is consistent with Sustainability Master Plan goals in that the site will provide a restaurant venue in walking distance to City College and surrounding residences, potentially reducing vehicular trips. Fewer vehicular trips will contribute to the conservation of energy and cleaner air quality. Also, the project makes use of a currently vacant infill site and has incorporated design features such as an outdoor eating area and seven bicycle racks above City Code requirements.

Commission/Committee Action: On January 8, 2009, the Planning Commission conducted a public hearing and approved the Special Permit and Variance by a vote of 5 ayes and 4 noes with amended conditions.

Rationale for Recommendation: The proposal supports the policies of the 2030 General Plan the goals of the Smart Growth Implementation Strategy and Sustainability Master Plan and is compatible with surrounding uses.

Financial Considerations: This project has no fiscal considerations.

Emerging Small Business Development (ESBD): No goods or services are being purchased under this report.

Respectfully Submitted by: 
David Kwong
Planning Manager

Approved by: 
William Thomas
Director of Development Services

Recommendation Approved:

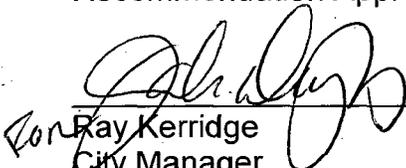

Ray Kerridge
City Manager

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Attachment 1 – Background Information

This subject site consists of approximately 0.48± acres of commercial land to be developed into a 3,008 square foot fast food restaurant with drive-through service in the Heavy Commercial (C-4) zone. The subject site is located adjacent to a fourplex and pizzeria to the west and a plumbing contractor to the east. This parcel is located across from Sacramento City College and an alley separates the site from nearby residential located to the south.

The site has been generally occupied since 1950 by an electrical contractor and is currently vacant. The existing commercial buildings are proposed to be demolished and have been determined to be ineligible for the Sacramento or California Registers nor will the proposed restaurant with drive-through service will not have an impact on historical resources. No other planning requests are on file for the subject site.

The applicant is proposing to locate a co-branded KFC and Long John's Silver on the subject site. The applicant is providing outdoor seating and bicycle parking spaces above code requirements. A fast-food restaurant is allowed by right in the Heavy Commercial (C-4) zone; however, a **Special Permit** is required for drive-through service and a **Variance** to waive the masonry wall requirement along the western property boundary line where the subject site abuts a residential fourplex on the adjacent commercial parcel to the east.

Neighborhood groups that were sent early notification of this project included WalkSacramento, Sierra Curtis Neighborhood Association, Franklin Boulevard Business Association, Hollywood Park Association, Land Park Association and College Park Association.

The applicant met with the Hollywood Park Neighborhood Association prior to formal submission; two community meetings were held by the applicant on July 14, 2008 and November 20, 2008. Based on input from the July 14th meeting, the applicant added outdoor seating, brick veneer to the building elevations, and discussed adding bollards to the Sutterville Road/15th Avenue alley.

Previous to the submission of this application, the City began a separate process to restrict vehicle and pedestrian traffic in the Sutterville/15th Avenue alley behind the subject site. A neighbor initiated the process in early July 2007 with a proposal to gate-off the alley to vehicles and pedestrians due to concerns about traffic, debris and illegal activities occurring within the alley.

On July 16, 2007 and in November 2007, a notice was sent to all property owners, whose property abuts the alley, encompassing approximately 15 parcels and 14 property owners. A majority of property owners must approve of the alley restriction, typically 50% plus one. In this instance, eight property owners would need to approve the alley restriction to move forward.

At the time of the public notices, staff received two letters of support for restricting the alley and two letters in opposition. As this did not represent a majority of the property owners either way - the proposal to gate the alley did not proceed.

With the submission of the proposed KFC/Long John Silvers in January 2008, the issue of restricting the alley was raised again. At the July 14, 2008 community meeting a discussion was held to explore installing bollards rather than completely gating-off the alley to public use. The current scenario encompasses the use of the alley by the proposed KFC but would restrict alley access to 22nd Street; instead patrons to the proposed restaurant could enter or exit the site through the alley via 21st Street only. Vehicle restriction is being proposed with bollards place in the alley at an undetermined location east of the KFC driveway. Installing bollards would not restrict pedestrian traffic in the alley.

Since the submission of the KFC/Long John Silvers proposal, three more public notices have been sent to the said property owners with the most recent notice sent on February 18, 2009. Currently, a majority vote has not been achieved to pursue the alley restriction.

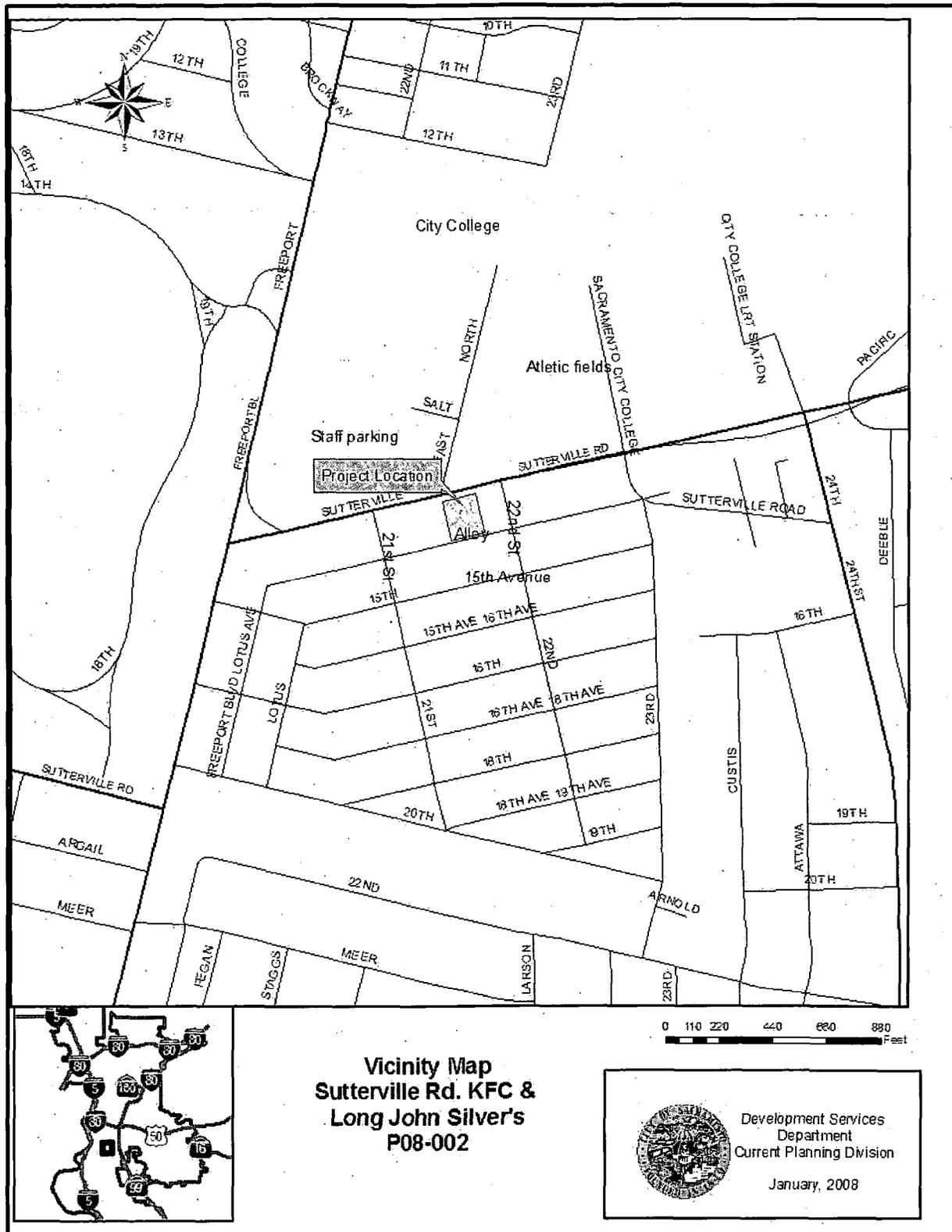
The installation of bollard or other alley restriction is not dependant on approval or denial of the KFC/Long John Silvers proposal. Alley restriction is a separate process which requires approval by a majority of property owners; Departments of Police, Fire, Transportation, Solid Waste; and the City Council. During this process the existence of the alley restriction, the form of how the alley will be restricted (i.e. gate or bollards) and the placement of any proposed gates or bollards will be determined. Currently, none of these factors have been decided.

On January 8, 2009, the Planning Commission conducted a public hearing and voted to approve (5 ayes, 4 noes) the request for a Special Permit for the drive-through and the Variance to waive the masonry wall requirement along the western property boundary line.

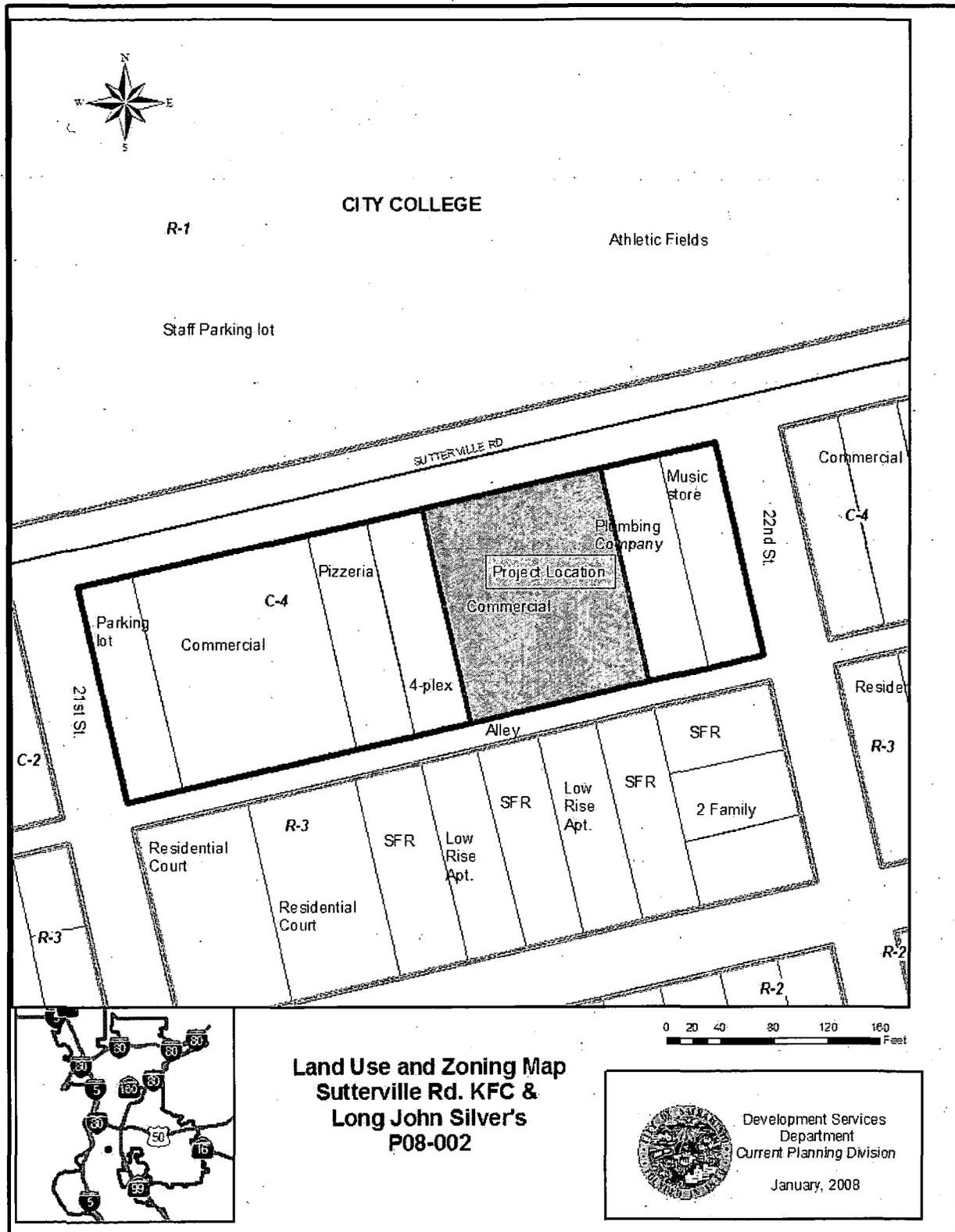
An appeal of the Planning Commission Decision was filed on January 20, 2009. The use of the drive-through facility remains contested as concerns to traffic impacts and lack of the pedestrian-friendliness have been raised.

As required by sections 17.200.010(C)(2)(a)(c) of the City Code, notice of the April 7, 2009 public hearing has been given by posting and mail within a 500 foot radius of the subject site.

Attachment 2- Vicinity Map



Attachment 3: Zoning & Land Use Map



**Land Use and Zoning Map
Sutterville Rd. KFC &
Long John Silver's
P08-002**

Development Services
Department
Current Planning Division
January, 2008

Attachment 4 – Resolution of Environmental Exemption

RESOLUTION NO. 2009-

Adopted by the Sacramento City Council

**DETERMINING PROJECT EXEMPT FROM REVIEW UNDER THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT,
FOR THE PROPERTY LOCATED AT 2128 SUTTERVILLE RD.
(P08-002) (APN: 018-0014-005)**

BACKGROUND

- A. On January 8, 2009, the City Planning Commission conducted a public hearing on, and approved with conditions the KFC/Long John Silver's Restaurant with Drive-through Service (P08-002). Within the time limits specified in the Zoning Code, the project entitlements approved by the Planning Commission were appealed by a third party.

- B. On April 7, 2009, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(2)(a) and (c), and received and considered evidence concerning the KFC/Long John Silver's Restaurant with Drive-through Service (P08-002).

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. Based on the determination and recommendation of the City's Environmental Planning Services Manager and the oral and documentary evidence received at the hearing on the KFC/Long John Silver's Restaurant with Drive-through Service project, the City Council finds that the Project is exempt from review under Section 15332, Infill Development of the California Environmental Quality Act Guidelines as follows:

- 1.) The project is consistent with the applicable General Plan designation and all applicable plan policies as well as with applicable zoning designations and regulations. The project occurs within city limits on a site not more than five acres and substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare, or threatened species. Approval of the project will not result in any significant effects relating to traffic, noise, air quality, or water quality. The site can be adequately served by all required utilities and public services.

Attachment 5: Project Approval – Resolution

RESOLUTION NO. 2009 -

Adopted by the Sacramento City Council

ADOPTING FINDINGS OF FACT AND APPROVING THE SPECIAL PERMIT AND VARIANCE FOR THE KFC/LONG JOHN SILVER'S RESTAURANT WITH DRIVE-THROUGH SERVICE (P08-002) (APN: 018-0014-005)

BACKGROUND

- A. On January 8, 2009, the City Planning Commission conducted a public hearing on, and approved with conditions the KFC/Long John Silver's Restaurant with Drive-through Service (P08-002). Within the time limits specified in the Zoning Code, the project entitlements approved by the Planning Commission were appealed by a third party.
- B. On April 7, 2009, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(2)(a) and (c), and received and considered evidence concerning the KFC/Long John Silver's Restaurant with Drive-through Service (P08-002).

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. Based on the verbal and documentary evidence received at the hearing on the KFC/Long John Silver's Restaurant with Drive-through Service project, the City Council approves the Special Permit and Variance based on the findings of fact and subject to the conditions of approval as set forth below.

Section 2. The City Council approves the Special Permit to establish a 3,008 square foot restaurant with drive-through in the Heavy Commercial (C-4) zone based on the following findings of fact:

- 1.) A special permit shall be granted upon sound principles of land use. The proposal to establish a drive-through service in connection with a 3,008 square foot KFC/Long John Silver's restaurant is a commercial use consistent with the land-use designation of Heavy Commercial (C-4) zone and will provide additional dining opportunities for the surrounding residential and City College.
- 2.) A special permit shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a nuisance, in that:
 - a. A rolling gate will close off access to the alley from the project site when the restaurant is not open.

- b. The project has been conditioned to adhere to a good neighbor policy by actively picking-up trash, removing graffiti and posting contact numbers for problems occurring onsite during operation hours and when the restaurant is closed.
- 3.) The proposed project is consistent with the 2030 General Plan designation of Low Urban Center.
- 4.) The design and location of the drive-through facility will not contribute to increased congestion on public or private streets or alleys adjacent to the subject property in that the proposed project meets parking requirements, does not warrant a traffic study.
- 5.) The design and location of the facility will not impede access to or exit from the parking lot serving the business, impair normal circulation within the parking lot or impede pedestrian movement, in that:
 - a. The drive-through facility will maintain a point of exit separate from the main and secondary ingress/egress from the site to Sutterville Road and the public alley;
 - b. The proposed drive-through facility meets City development standards regarding minimum stacking distances; and
 - c. The project meets minimum drive-through lane widths and is conditioned to meet drive-through entrance distance of 25 feet from the public alley.
- 6.) The design and location of the facility will not create a nuisance for adjacent properties in that the project is providing a masonry wall at the rear of the site with a gate and has been conditioned to prevent situations of public nuisance.

Section 3. The City Council approves the Variance to waive a masonry wall along the west property boundary adjacent to a residence based on the following findings of fact:

- 1.) Special privilege has not been extended to the applicant and special circumstances or conditions affecting the property that it is impossible, impractical, or undesirable in the particular case to conform to the strict application of these regulations, in that, the residential unit is located at the rear of the site and the applicant is provided a six foot tall masonry wall that will extend 60 feet along the western property line covering the length of the residential fourplex. Providing a masonry wall on the remaining western property line is unnecessary to buffer residential as no residential uses are located on the northern portion of the commercially zoned property.
- 2.) The variance is not detrimental to the public health, safety, or welfare nor injurious to other properties in the vicinity in that the project has been design to minimize impacts to the surrounding neighborhood by providing a masonry wall at the rear of the site and at a distance of 60 feet along the eastern property boundary and 30 feet along the western property boundary.

- 3.) The variance will not adversely affect the General Plan as the proposed use is consistent with the all designations of the site.

Section 4. The City Council approves the Special Permit to establish a 3,008 square foot restaurant with drive-through in the Heavy Commercial (C-4) zone subject to the following conditions of approval:

General

- B1. Development of this site shall be in substantial compliance with the attached exhibits (Exhibits A through L), except as conditioned. Any modification to the project shall be subject to review by Current Planning staff prior to the issuance of building permits. Any significant modifications to the project may require subsequent entitlements.
- B2. Applicant shall obtain all necessary building and/or encroachment permits prior to commencing construction.
- B3. Landscaping plans shall be submitted to the Building Division – 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.
- B4. Sign permits must be acquired for all proposed signage. A total of four attach signs are permitted (two attached signs per occupant). Said signs cannot exceed a total aggregate area of three square feet for each front foot of building occupancy.
- B5. Signs indicating right turn only from the alley driveway shall be posted at the time bollards, gates or other alley restrictions are installed.
- B6. The project is required to meet the Sacramento City Code regulations regarding bicycle parking (Section 17.64.050) and shall provide additional bicycle parking facilities at a minimum of 8 bicycle spaces with at least two spaces provide as Class I bicycle lockers.
- B7. The applicant shall adhere to a Good Neighbor Policy by actively picking-up trash, removing graffiti and posting contact numbers for problems occurring onsite during operation hours and when the restaurant is closed.
- B8. Hours of operation shall be between 10:00 am and 10:00 pm Sunday through Thursday and 10:00 am to 11:00 pm Friday and Saturday. Delivery hours shall be within the hours of 7:00 am and 10:00 am.
- B9. Lighting shall be designed so as not to produce hazardous and annoying glare to adjacent properties, motorists, or the general public. All fixtures shall be placed in a manner that avoids glare when observed from the street, alley or other public areas.

- B10. Parking lot, drive-through, circulation areas, and grounds contiguous to building shall provide lighting with sufficient wattage to provide adequate illumination to make clearly visible the presence of any person on or about the premises during the hours of darkness and provide a safe secure environment for all persons, property, and vehicles on site. Such lighting shall be equipped with vandal-resistant covers. A lighting level of .50 to one foot-candle minimum, maintained at ground level is required.
- B11. All mechanical equipment shall be screened. All rooftop mechanical equipment and communications equipment shall be completely screened from view from public streets and alley by building parapets, screen walls and architectural projections that are integral to the building design.
- B12. All brick veneer shall wrap around each adjacent corner wall to create the appearance of true brick.
- B13. A minimum stacking distance of one hundred eighty (180) feet shall be provided to the pick-up window.
- B14. The walls of the trash and recycling enclosure shall be constructed of solid masonry material with decorative exterior surface finish compatible to main KFC/Long John Silver's restaurant building.
- B15. Provide stacking space for at least four vehicles in advance of each ordering point and stacking distance for at least four vehicles between each ordering point and pick-up window.
- B16. Entrances to drive-through lanes shall be at least twenty-five (25) feet from driveways entering a public or private street or alley.
- B17. The minimum width of each drive-through lane shall be eleven (11) feet. The entrance to the lane and the direction of traffic flow shall be clearly designated by signs and pavement markings or raised curbs.
- B18. The Special Permit is revocable if congestion attributes to inadequate vehicle stacking space for the drive-through service facility regularly occurs on public or public streets or alleys, or the design of the facility creates a nuisance to adjacent properties and the management of the facility cannot alleviate the situation.
- B19. Public address speakers, on-site lighting and drive-through lanes shall be designed and located such that noise, exhaust fumes, and stray lights will not create a nuisance for adjacent properties.

Traffic Engineering Division

- B20. The applicant shall work with the Department of Transportation (DOT) to narrow the proposed driveway to the alley from 20 feet to 12 feet and restrict the movement to out only in the east direction to 21st Street. The applicant shall be

responsible for all markings and signage to accommodate this condition to the satisfaction of the DOT. The movement restriction shall be achieved using markings, signage and possible hard improvements (i.e. curbing, pork chop and driveway design, etc.)

- B21. Repair or replace/reconstruct any existing deteriorated curb, gutter and sidewalk fronting the property along Sutterville Road per City standards and to the satisfaction of the Department of Transportation. This shall include any needed street lights;
- B22. All new driveways shall be designed and constructed to City Standards to the satisfaction of the Department of Transportation;
- B23. The applicant shall repair the existing alley per City standards (In Concrete) along the site's frontage on the alley to the satisfaction of the Department of Transportation;
- B24. The applicant shall pay a sum of \$1500 as a fair share contribution towards the proposed alley restriction. The \$1500 would pay for either a set of bollards or a portion of a restriction gate. The type of control shall be determined by the alley restriction process and City Council approval;
- B25. The applicant shall install a set of flashing beacons for the existing crosswalk across Sutterville Road. The flashing beacons would be installed at two locations (on both sides of Sutterville Road) and shall be to the satisfaction of the Department of Transportation;
- B26. The City standards dictate that a driveway be a minimum of 10-feet away from a pedestrian ramp. The applicant shall either shift the proposed driveway by 5-feet (in the west direction) to comply with this condition or shift the existing crosswalk by 5-feet (in the easterly direction, provided it meets the City's safety criteria for crosswalks) to comply with this condition or a combination of both to the satisfaction of the Department of Transportation;
- B27. The site plan shall conform to A.D.A. requirements in all respects. This shall include the installation of a curb ramp along the site's frontage on Sutterville Road where the existing crosswalk meets/ends at the site's frontage per City standards and to the satisfaction of the Department of Transportation;
- B28. The site plan shall conform to the parking requirements set forth in chapter 17 of City Code (Zoning Ordinance);
- B29. 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 Transportation;

Department of Transportation – Electrical Division

B30. This project shall require street lighting. There is an existing street lighting system around this project area. Improvements of right-of-way may require modification to the existing system. Electrical equipment shall be protected and remain functional during construction.

Fire

B31. Provide the required fire hydrants in accordance with CFC 508 and Appendix C, Section C105.

B32. Timing and Installation. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction.

B33. Provide a water flow test. (Make arrangements at the walk-in counter: 300 Richards Blvd., 3rd Floor Sacramento, CA 95811).

Utilities

1. Only one (1) metered domestic water service per parcel is allowed. Excess services shall be abandoned to the satisfaction of the DOU. There is an existing 6" water main in Alley adjacent to rear property line.
2. All water connections shall comply with the City of Sacramento's Cross Connection Control Policy.
3. If the total paved area is greater than 6000 sq. ft., an onsite surface drainage system is required and shall be connected to the street drainage system by means of a storm drain service tap. There is an existing drain system in the Alley adjacent to rear property line where storm drain service tap can be connected to (MH#112). All onsite systems shall be designed to the standard for private storm drainage systems (per Section 11.12 of the Design and Procedures Manual).
4. The lot shall be graded so that drainage does not cross property lines.
5. 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.
6. Lot pad elevations shall be a minimum of 1.5 feet above the controlling overland release elevation and a minimum of 1.2 feet above the highest adjoining back of

sidewalk elevation. Finished lot pad elevations shall be accepted by the Department of Utilities.

7. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires 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.

Advisory Notes

Utilities

1. 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 fire suppression systems.
2. The proposed project is located in the Flood zone designated as Shaded X zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that have been revised by a Letter of Map Revision effective February 18, 2005. Within the Shaded X zone, there are no requirements to elevate or flood proof.

Building

3. Fire resistant rating for new restaurant exterior walls shall comply with 2007 CBC Table 602 based on Fire Separation Distance. On East side of the proposed building Fire Separation Distance is 20 feet. Depending on new buildings' type of construction, the fire rating for this wall may be required as per Table 602 requirements.
4. Total area of openings in East walls and openings protection also may be an issue, depending on proposed type of construction. Compliance with Table 704.8 is required.
5. All portions of proposed building and facilities shall be accessible to persons with disabilities as required by Chapter 11B of 2007 CBC. Per CBC section 1104B.5, accessible seating spaces shall be provided at each available functional area which includes interior and exterior seating arrangement.

County Health

6. Trash enclosures will need to have a drain plumbed to sanitary sewer.
7. Concrete or asphalt flooring will be required to slop $\frac{1}{4}$ " per foot to drain.

8. A complete submittal will be required to the Health Department.

Parks

9. As per City Code, the applicant will be responsible to meet his/her obligations regarding Title 18, 18.44 Park Development Impact Fee, due at the time of issuance of building permit. The Park Development Impact Fee due for this project is estimated at \$1,023. This is based on 3,008 sq. ft at the commercial rate of \$.34 per sq. ft (this is not the Specified Infill Rate, at this location the infill rate applies to residential). Any changes in these factors will change the amount of the PIF due. The fee is calculated using factors at the time that the project is submitted for building permit.

SRCSD

10. Developing this property may require the payment of sewer impact fees. Applicant should contact the Fee Quote Desk at (916) 876-6100 for sewer impact fee information.

Police

11. Lighting

- a. All exterior doors shall be provided with their own light source and shall be adequately illuminated at all hours to make clearly visible the presence of any person on or about the premises and provide adequate illumination for persons exiting the building.
- b. The premises, while closed for business after dark, must be sufficiently lighted by use of interior night lights.
- c. Exterior door, perimeter, parking area, and canopy lights shall be controlled by photocell and shall be left on during hours of darkness or diminished lighting.
- d. Bollard lighting shall be used throughout the vehicle stacking area for the drive through, across from the menu boards under the tress to increase visibility during hours of darkness.

12. Parking

- a. An extensive closed circuit television system should be incorporated throughout the parking area with recorder capability.
- b. All parking areas shall be laid out to allow a high degree of observation.

13. Signage

- a. All entrances to the parking areas shall be posted with appropriate signs per 22658(a) CVC, to assist in removing vehicles at the property owner's / manager's request.
- b. The applicant will 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 at the Police Department.

14. Miscellaneous Security Measures

- a. Closed-circuit television cameras shall be employed to monitor high-risk areas in case of robbery or other serious felony. Additional cameras shall be placed to monitor all cash registers, entrances, dining areas, restroom doors, drive thru area, parking lots and all areas lacking direct surveillance.
- b. Camera recording system shall be secured and locked at all times or maintained off site.
- c. A 180 degree viewing device (or peephole) shall be installed in all solid doors.
- d. Any office which contains a safe or will be used to count receipts shall be equipped with a 180 degree viewing device.
- e. Any rear door used to admit employees or deliveries shall be equipped with a 180 degree viewing device to screen persons before allowing entry.
- f. Access into miscellaneous storage areas should be strictly controlled.
- g. Windows shall remain free of literature and signage blocking the view into the restaurant.
- h. The applicant shall install a drop safe and post a sign indicating that employees do not have access to the safe.
- i. Business rules shall be posted in the business interior in a conspicuous place.
- j. The applicant shall have display counters low enough that the cashier has visibility through the store.
- k. The applicant shall post a drop safe and a sign indicating that employees do not have access to the safe.
- l. The applicant shall be responsible for the daily removal of all litter generated by the business, from the subject site, adjacent properties and streets.
- m. All dumpsters must be kept locked at all times.

- n. No public telephone shall be installed on the premises.
- o. The cashier/employees shall have remote capability to lock the doors to the business.
- p. The applicant shall have the responsibility of assuring that the perimeter of the construction site is fenced during construction with security lighting and guard patrols employed as necessary. If the general contractor is assigned this responsibility, it shall be the applicant's responsibility to assure compliance.
- q. Landscaped areas should be planned for maximum growth, while providing unobstructed observation of parking lots, buildings, and pathways during day and night.

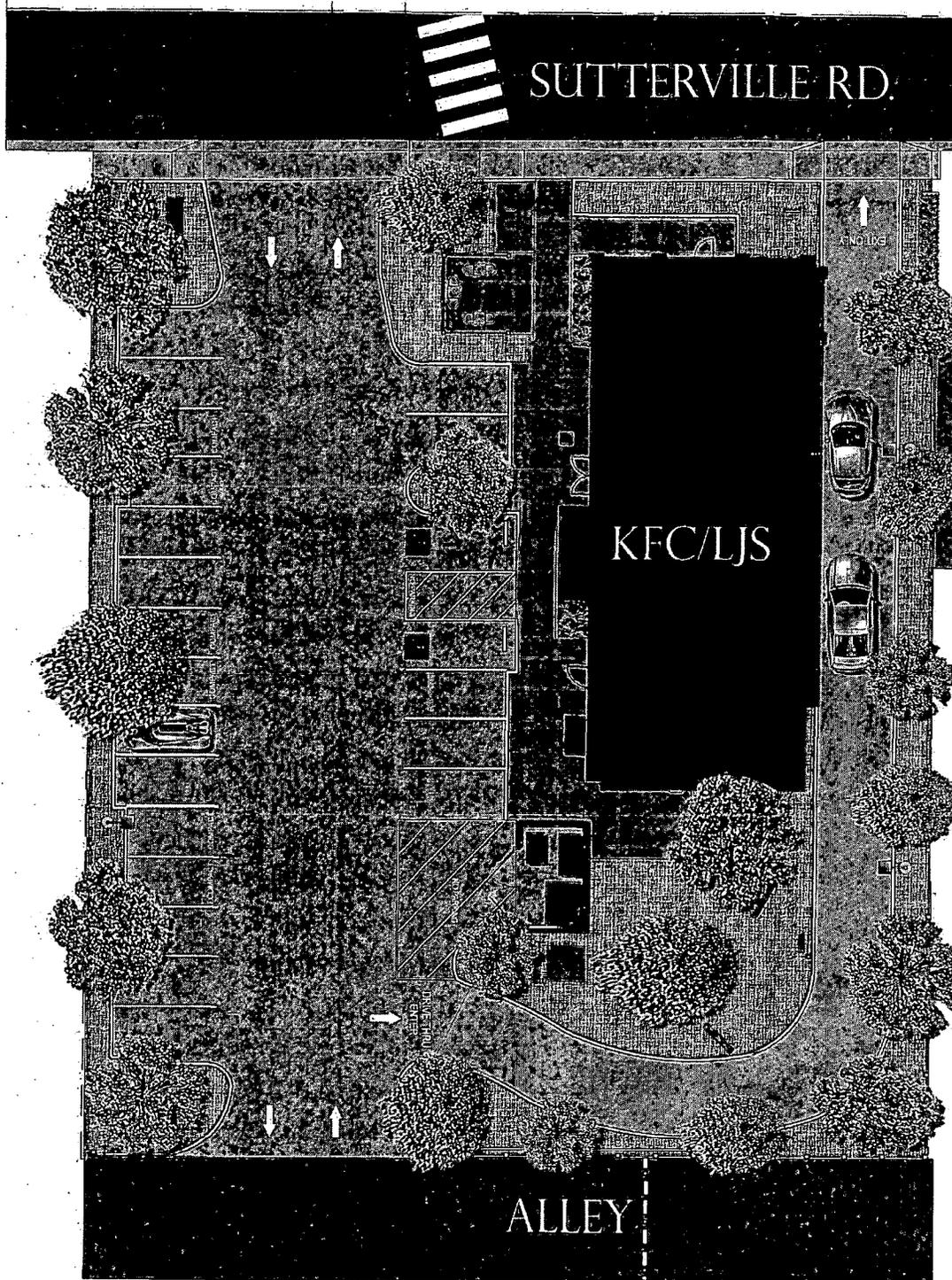
Section 5. The City Council approves the Variance to waive a masonry wall along the west property boundary adjacent to a residence subject to the following conditions of approval:

- C1.** The applicant shall provide a minimum six foot high solid wall of masonry, brick, or similar material along the southern property line (except at the driveway location and allowing for clear vision at the driveway) Said masonry wall shall wrap along the western and eastern property boundary lines and extend from the rear of the property 30 feet along the east property line and 60 feet along the west property line (where the existing building wall on the property is located).
- C2.** Vines shall be planted and maintained on entire length of the chain-linked fence being provided at the eastern and western property boundary lines.
- C3.** A gate shall be at the driveway ingress/egress at the rear property boundary. The gate shall remain closed when the restaurant is not in operation.

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Exhibit A – Illustrative Site Plan



DATE 11/24/08

KFC/LONG JOHN SILVER'S RESTAURANT

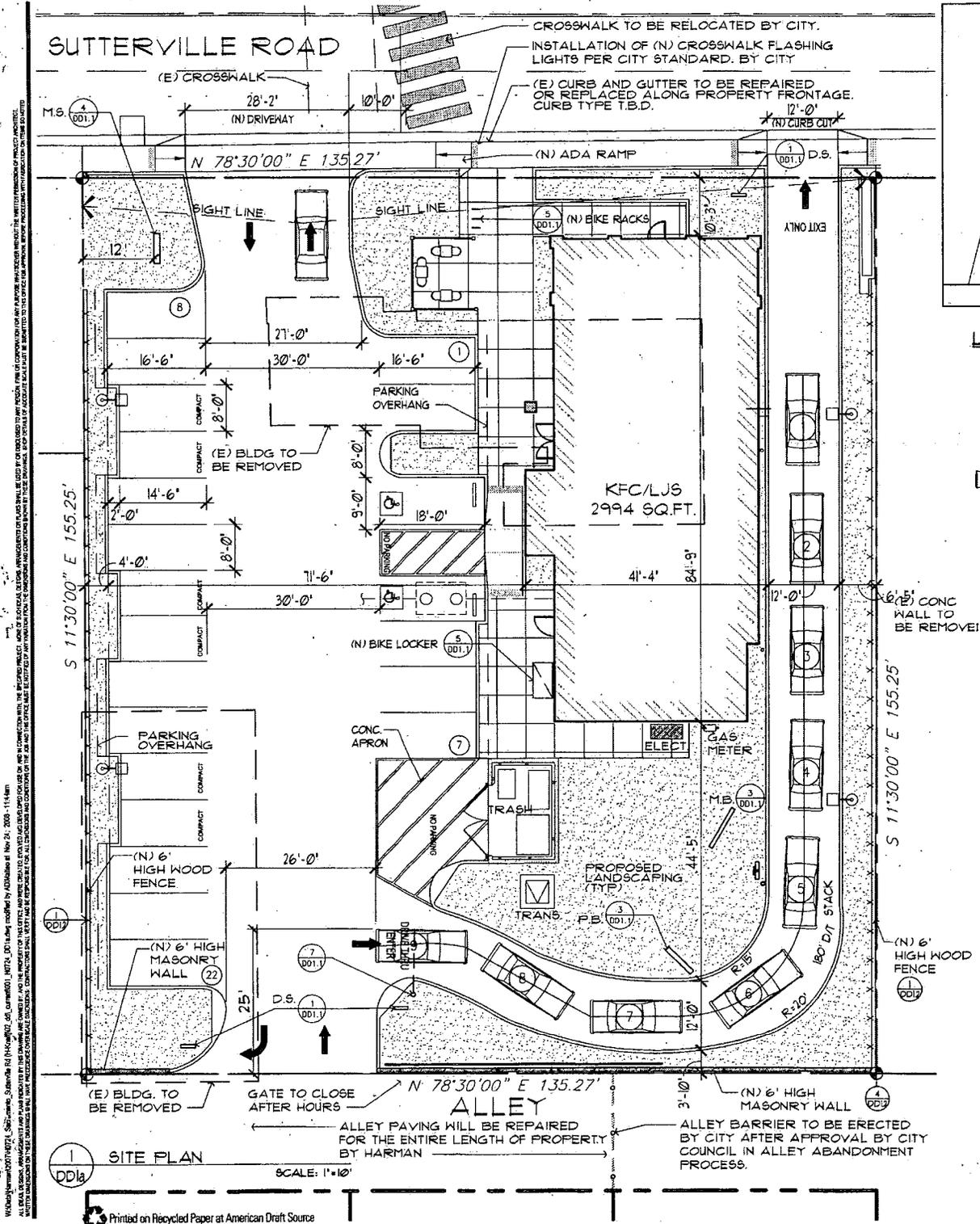
OWNER: Harman Management
Los Altos, CA

2128 Sutterville Rd.
Sutterville, CA 95822



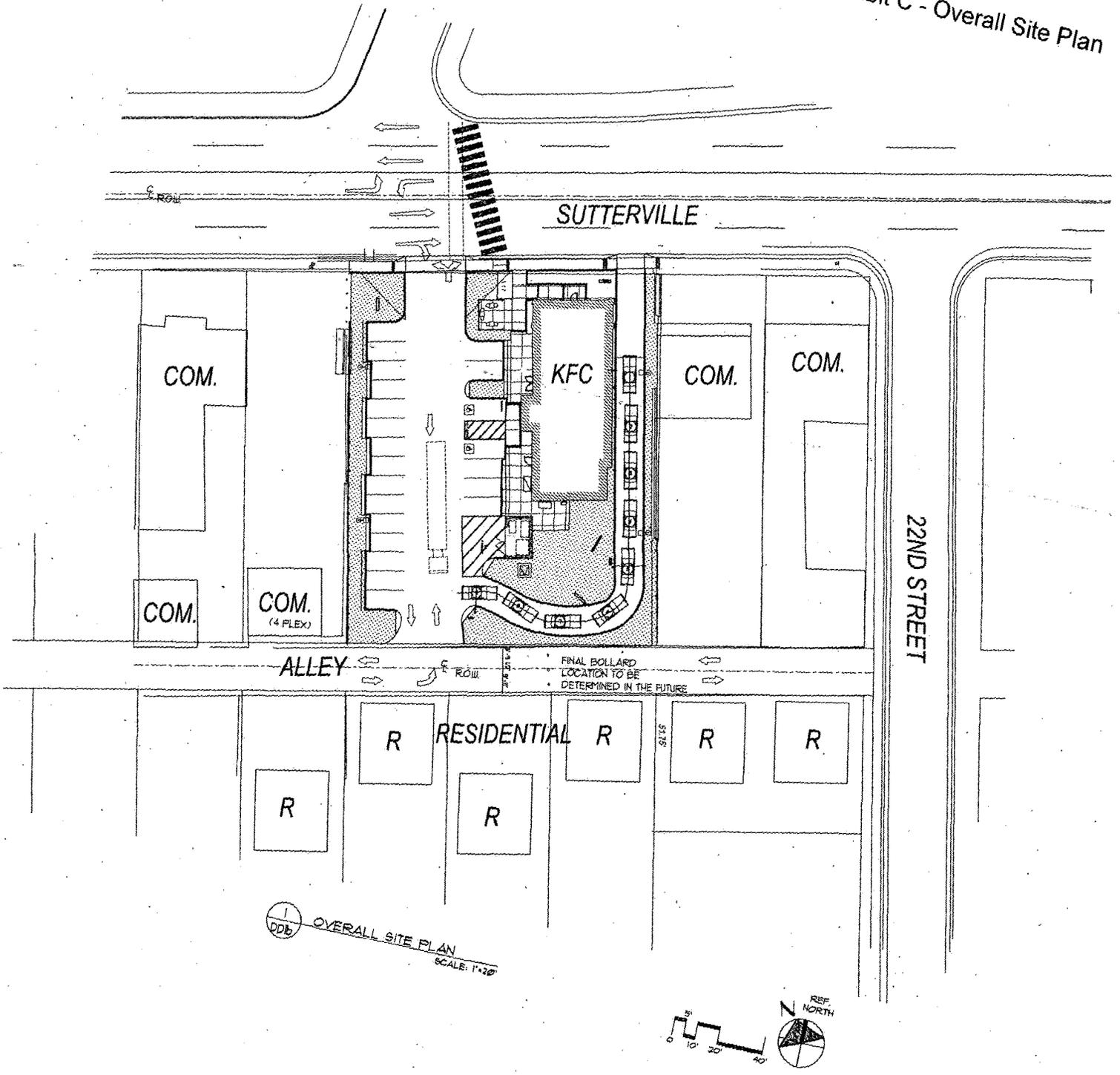
ARCHITECTS...
VINCENT+MURPHY, INC.
SAN RAFAEL, CA

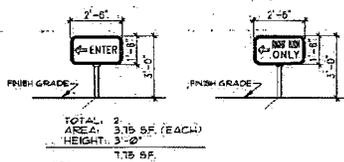
Exhibit B - Site Plan



April 7, 2009

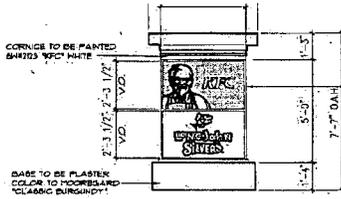
Exhibit C - Overall Site Plan



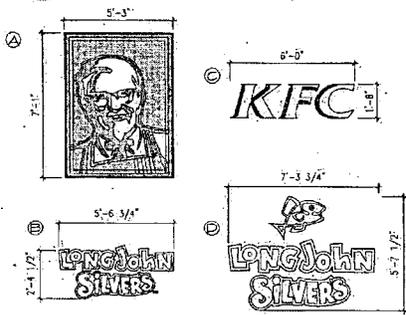


1 DIRECTIONAL SIGN
DDU 3/8" x 1'-0"

SIGN SPECIFICATIONS:
DOUBLE SIDED INTERNALLY
ILLUMINATED GRAPHICS (ACRYLIC
FACE & PAINTED WHITE METAL
CABINET & POST)



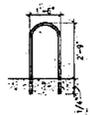
4 MONUMENT SIGN
DDU 3/8" x 1'-0"



2 WALL SIGNS
DDU 3/8" x 1'-0"

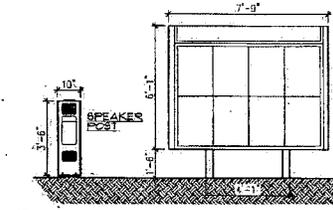
SIGN SPECIFICATIONS:
INTERNALLY ILLUMINATED
WALL GRAPHIC (ACRYLIC
FACE & PAINTED WHITE
METAL CABINET)

ALLOWABLE SIGN AREA:
3.0 SF. PER LINEAL FOOT (DDU 1.1)
33.6 x 1.0 SF. (WEST SIDE)
121.0 SF. TOTAL
PROPOSED SIGNAGE



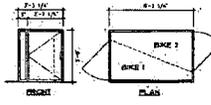
5 BIKE RACK
DDU 3/8" x 1'-0"

COLOR: STANDARD GALVANIZED
STEEL MANUFACTURER FINISH
FUNCTION: FIRST BIKE SECURITY
TUCSON AZ
PH: (505) 748 - 3142
Model # BR2 Bikes TWO Length N/A



3 MENU BOARD/SPEAKER POST/PREVIEW BOARD
DDU 3/8" x 1'-0"

SIGN SPECIFICATIONS:
INTERNALLY ILLUMINATED
PANEL AND GRAPHIC
ACRYLIC FACE & PAINTED
DARK BLUE CABINET



5A BIKE LOCKER
DDU 3/8" x 1'-0"

SUNSHINE U-LOCK
CORPORATION HESLAKE
VILLAGE, CA PH: (800)
707 - 010 064 GALV.
SHEET METAL, (80) 101 -
018 CONSTRUCTION W/6GA
GALV DOORS FIELD
PAINTED 54' GOLFON
BUFF #1201 #1AUModel #
CLASS # SECURA BIKE
#1AUBikes TWO #1AULength
14 1/4"

400-WATT METAL HALIDE LAMP, ALUMINUM
FITURES, ARM MOUNTED WITH TEMPERED
CONVEX GLASS LENS, WELDED SQUARE ALUM.
POLE, ALL PARTS TO BE BRONZE FINISH.

PROVIDE 'HOUSE SIDE SHIELDS' TO PREVENT
UNWANTED LIGHT FROM BEING CAST OFF SITE
AS NOTED ON PHOTOMETRIC PLAN.
SEE SITE PLAN FOR NUMBER AND LOCATION
OF FIXTURES

20'-0" HT. X 4" DIA. SQUARE STEEL POLE WITH
BASE PLATE AND ANCHOR BOLTS, PREFINISHED
DARK BRONZE COLOR

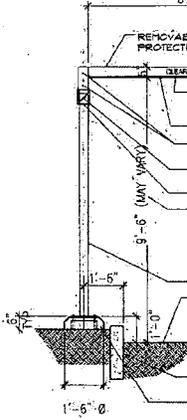
HANDHOLE WITH COVER

BASE PLATE COVER FINISH TO MATCH POLE

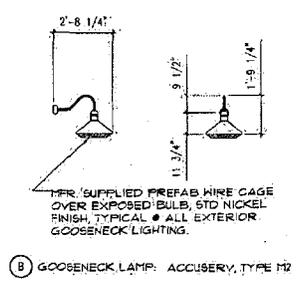
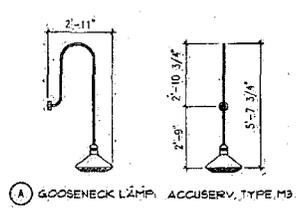
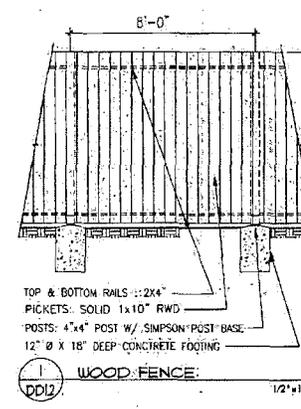
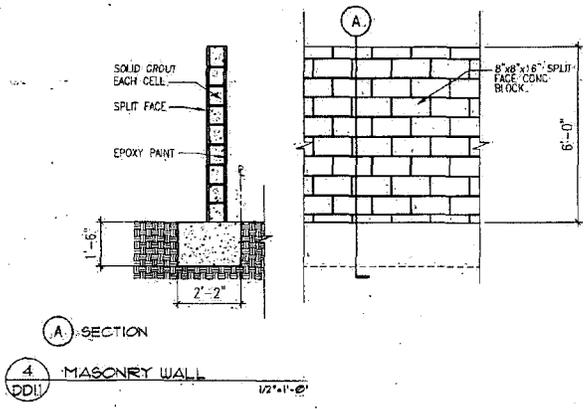
30" HIGH CONCRETE BASE (SONOTUBE
FORMED ABOVE GRADE)

GRADE

6 LOT LIGHT
DDU



7 CLEARANCE
DDU



3 GOOSENECK LAMPS 3/8" x 1'-0"

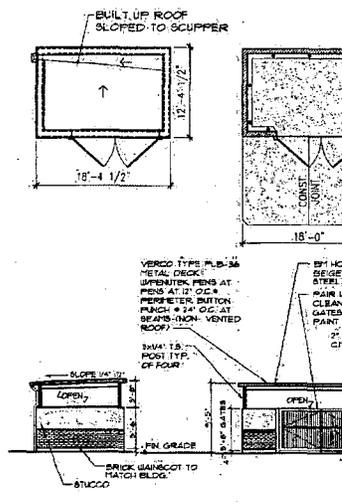
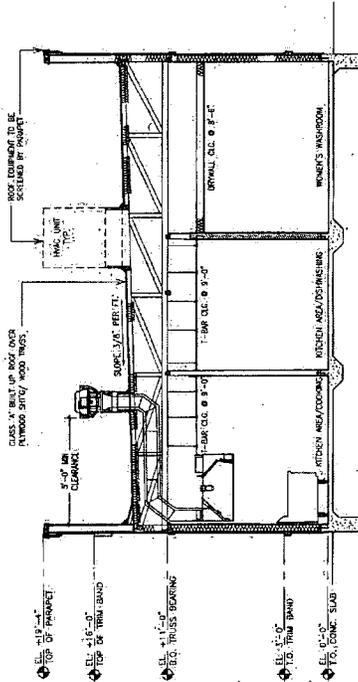
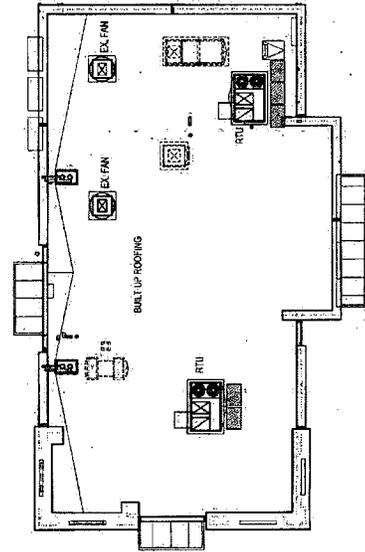
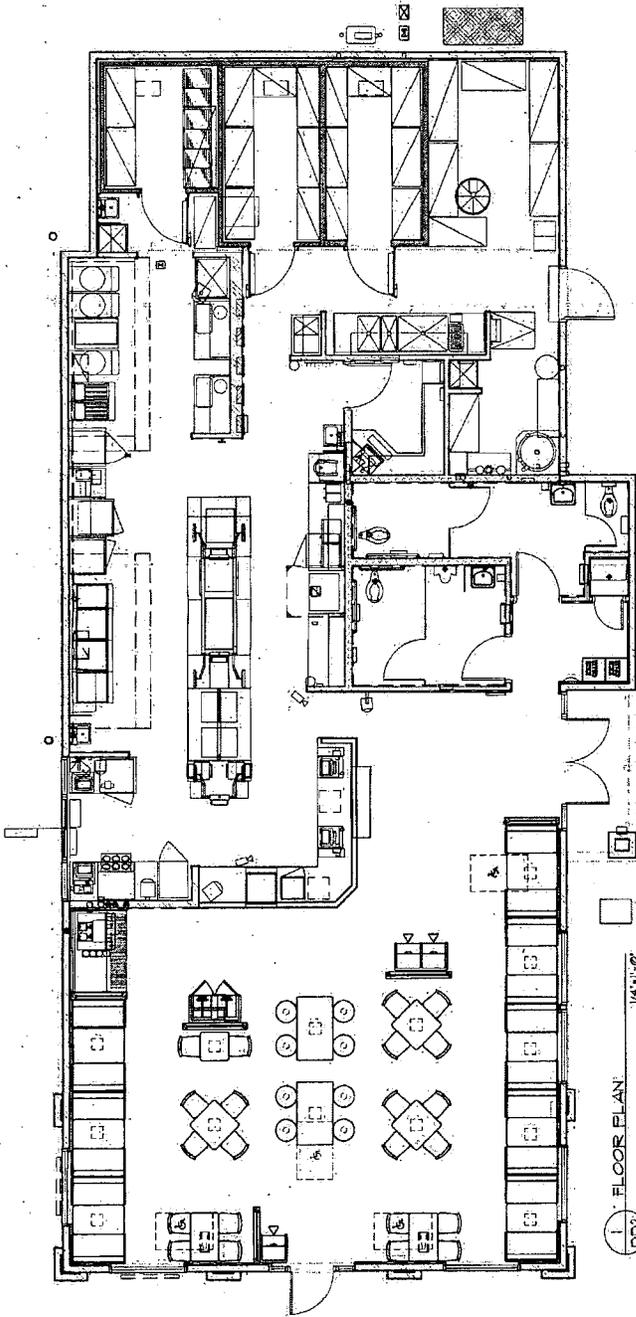


Exhibit G - Floor & Roof Plan



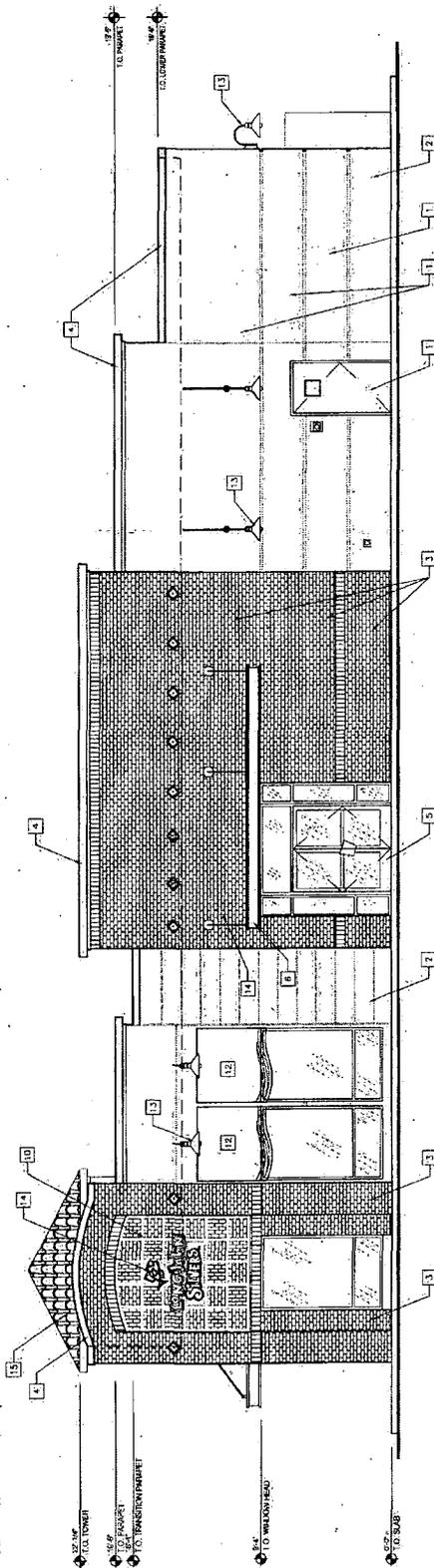
1 FLOOR PLAN
DD3

2 ROOF PLAN
DD3

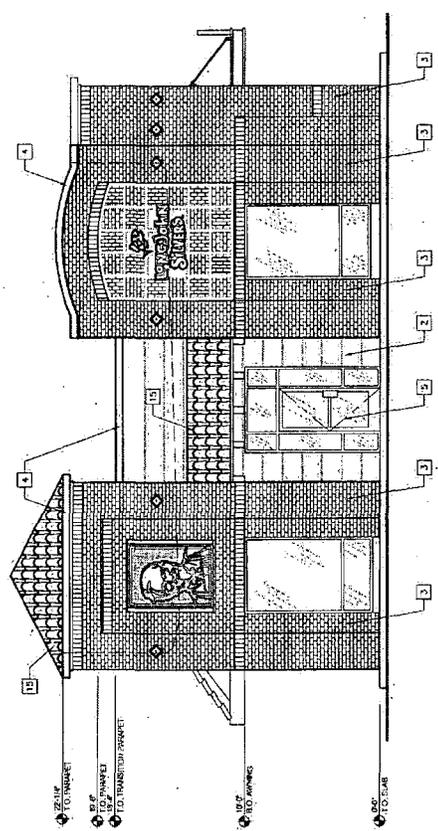
3 SECTION
DD3

Printed on Recycled Paper at American Draft Source

Exhibit H - North & West Elevations



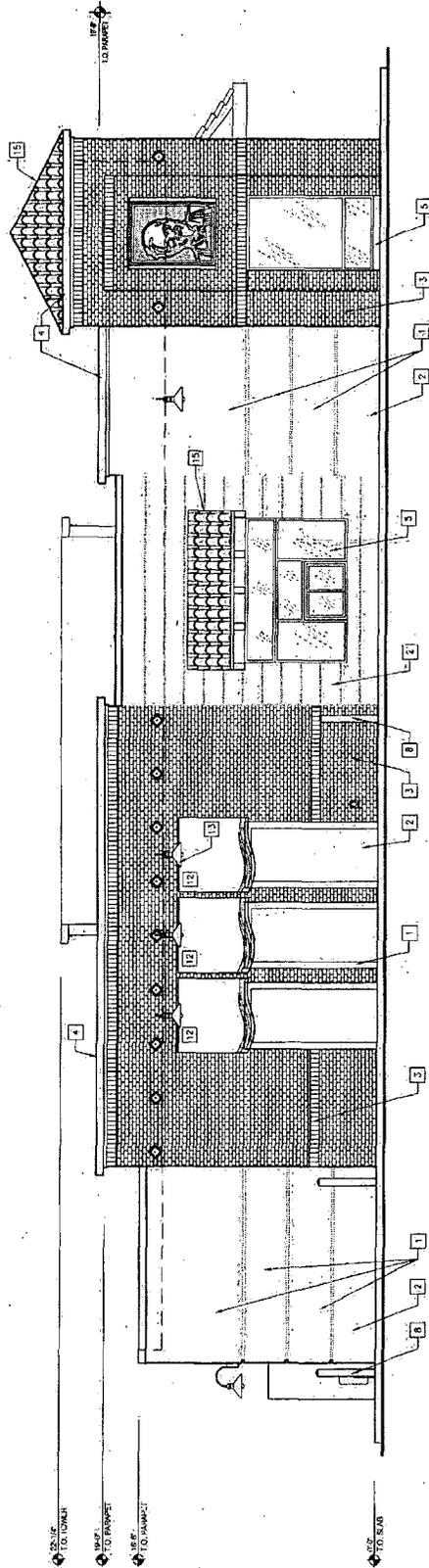
1 WEST ELEVATION 1/4" = 1'-0"



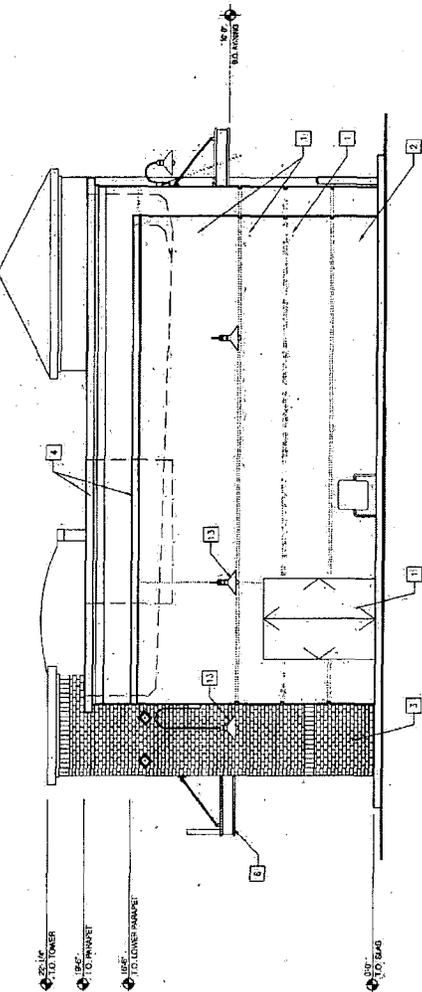
2 NORTH ELEVATION 1/4" = 1'-0"

EXTERIOR FINISH SCHEDULE			
SYMBOL	AREA	MANUFACTURER	COLOR
1	RECTANGULAR WALLS	SHERMAN WILLIAMS	HC 21 PANTHON BEIGE
2	REC-ACCENT COLOR	BENJAMIN MOORE	TRISTITRE
3	WALL FINISH	HC-KERRICK	OLD TOWNE RED WIRE CUT
4	REC-ACCENT COLOR	SHERMAN WILLIAMS	SW 223 1/2-C WHITE
5	STONE/CONC/OT WINDOW		CLEAR GLASS AND ALUMINUM W/ BRASS FINISH
6	METAL CORNICES		PAINT BRASS ALUMINUM
7	CONCRETE FIBER BE/LANDS	MORTGAGE	HEMPSTEAD RED
8	LONG JOHN SILVER'S TOWER	BENJAMIN MOORE	BRN AC 125 DUSTY FOG
9	LONG JOHN SILVER'S TOWER	BENJAMIN MOORE	2154 - 407 JUNK MARKET YELLOW
10	WALL FINISHES		BLUE
11	WALL LIGHTING		FACTORY FINISH
12	BUILDING SIGN		WOOD
13	TILE ROOFING	MONIER	MISSION TILE
14			
15			

Exhibit I - South & East Elevations Landscape Plan



1 EAST ELEVATION 1/4" = 1'-0"



2 SOUTH ELEVATION 1/4" = 1'-0"

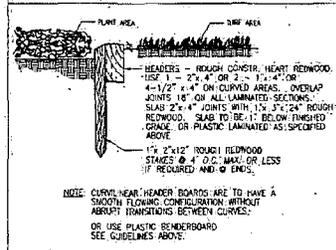
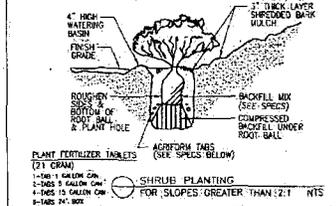
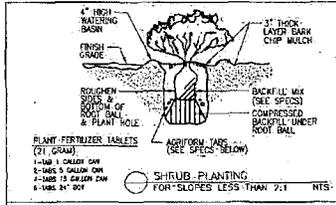
EXTERIOR FINISH SCHEDULE			
SYMBOL	AREA	MANUFACTURER	COLOR
1	KFC MAIN WALLS	SHERMAN WILLIAMS	MCZT FLUTING/DRY BRICK
2	SEC. ACCESS COULDS	BELOW MAKE	BRICK
3	WALL FLASH	N.C. MASONRY	OLD TOWN RED W/RE OUT
4	SEC. ACCESS COULDS	SHERMAN WILLIAMS	SWISS RED W/WHITE
5	STONE/BRICK W/COULDS	SHERMAN WILLIAMS	SWISS RED W/WHITE
6	METAL CANOPIES	BELOW MAKE	DARK BRONZE ALUMINUM
7	CONCRETE TELLER SLABS	BELOW MAKE	RED/BLACK
8	LONG JOHN SILVER'S TOWER	BELOW MAKE	BLACK/COULDS/RED
9	LONG JOHN SILVER'S TOWER	BELOW MAKE	BLACK/COULDS/RED
10	WALL FINISHES	BELOW MAKE	21K-6 TOPH/ARBORE YELLOW
11	WALL FINISHES	BELOW MAKE	RED
12	WALL FINISHES	BELOW MAKE	FACTORY FINISH
13	WALL FINISHES	BELOW MAKE	FACTORY FINISH
14	WALL FINISHES	BELOW MAKE	FACTORY FINISH
15	WALL FINISHES	BELOW MAKE	FACTORY FINISH

GENERAL NOTES -- 90 DAY MAINTENANCE

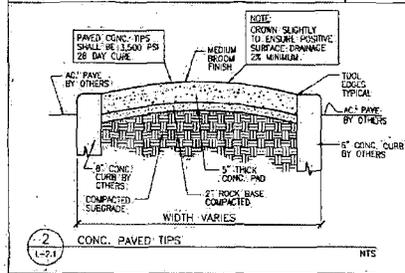
- 1 TOPSOIL TO BE SCARIFIED TO A DEPTH OF 8" (MIN.)
- 2 INCORPORATE SOIL AMENDMENTS THOROUGHLY INTO TOPSOIL (8" DEEP). NITROGEN TREATED REDWOOD (AWHOULT) @ 6 CU. YDS. PER 1000 SQ. FT. (2" HIGH THICK LAYER MINIMUM)
- 3 RAKE BREAK-UP CLUMPS AND FINE GRADE TO PROVIDE UNIFORM SMOOTHNESS AND POSITIVE SURFACE DRAINAGE. FINISHED GRADE 1" BELOW TOP OF CURB, PAVES, ETC.
- 4 TREE AND SHRUB PITS 12" WIDER AND 8" DEEPER THAN ROOT BALL. BACKFILL 70% NATIVE SOIL MIXED WITH 30% SOIL AMENDMENT MIX. SOIL AMENDMENT MIX PER SPECIFICATION. SEE NOTE #2 ABOVE.
- 5 DOUBLE STAKE TREES 2" - 3" x 12' LONG TREATED LODGEPOLE PINE TREES STAKES 4-PER-TREE. SECURE WITH RUBBER TREE TIES (4 PER TREE) SECURE TO STAKE WITH GALVANIZED SCREWS TO PREVENT SURPRAGE. USE STRAIGHT GROWTH TREE TIES 1/2" LENGTH OR APPROVED EQUAL. (SEE DETAIL SHL-2.1)
- 6 FORM WATER BASINS AROUND TREES AND SHRUBS (SEE DETAIL SHL-2.1)
- 7 FERRAR MULCH ALL PLANTED AREAS W/ A MINIMUM 3" THICKNESS. THICK LAYER OF FERRAR MULCH. USE MEDIUM SIZE DECIDUOUS BARK MULCH.
- 8 MAINTENANCE 90 DAYS AFTER FINAL ACCEPTANCE BY OWNER/REPRESENTATIVE.
- 9 PLANT AND PLANTING QUANTITIES: GROUNDCOVER: ONE (1) YEAR SHRUBS: ONE (1) YEAR TREES: ONE (1) YEAR.
- 10 ALL PLANTED AREAS SHALL BE KEPT WEED-FREE DURING 90 DAY MAINTENANCE PERIOD.
- 11 ALL ANNUAL COLOR FLOWER BEDS SHALL HAVE THE TOP 8" INCHES OF SOIL REMOVED AND REPLACED WITH 50% BARELY LOAM MIX + 50% NATIVE SOIL, ROTOTILLED TOGETHER.
- 12 ALL ANNUAL COLOR AREAS SHALL BE REPLACED EVERY 60-90 DAYS.
- 13 IRR - DENOTES HEAVY BOARD (SEE DETAIL SHL-2.1)
- 14 WOODEN SHEET PLASTIC AND OTHER NON-POROUS MATERIAL SHALL NOT BE PLACED UNDER THE MULCH.
- 15 NO PLANT SUBSTITUTIONS ALLOWED UNLESS AUTHORIZED BY LANDSCAPE DESIGNER.
- 16 ALKALI TREES WITH PAINTED PARKING STRIPES WHERE APPLICABLE.
- 17 LANDSCAPE CONTRACTOR TO NOTIFY LANDSCAPE DESIGNER ONE (1) WEEK PRIOR TO COMPLETION IN ORDER TO SCHEDULE LANDSCAPE AND FINISH INSPECTION.
- 18 APPLY PRE-EMERGENT WEED KILLER PRIOR TO INSTALLATION OF FERRAR MULCH IN ALL GRASS AREAS. INSTALL IN ACCORDANCE WITH ALL STATE AND LOCAL CODES AND MANUFACTURERS INSTRUCTIONS.
- 19 ALL LAWN AREAS SHALL HAVE RUBBERS 2" OR GREATER IN DIAMETER REMOVED.
- 20 ALL LAWN AREAS SHALL BE MOVED ONCE A WEEK DURING 90 DAY MAINTENANCE PERIOD.
- 21 ALL TREES PLANTED IN LAWN AREAS SHALL HAVE AN 18" DIAMETER AREA FREE OF LAWN AROUND TREE TRUNK.
- 22 ALL PODOCYPUS MACROPHYLLUS, DODDIEAR, PRUNUS SHRUBS SHALL BE SINGLE STAKED WITH 1" x 2" LODGEPOLE PINE STAKE 8' - RUBBER TREE TIES (SEE TREE STAKING DETAIL)
- 23 IR - DENOTES EXISTING
- 24 NO - DENOTES NEW
- 25 (TYP) - DENOTES TYPICAL
- 26 (D.S.) - DENOTES DIRECTION SIGN.

GENERAL LANDSCAPE MAINTENANCE

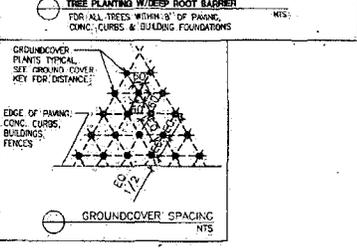
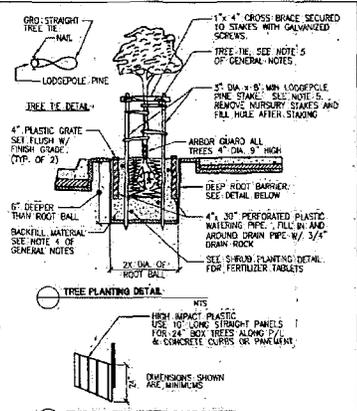
- 1 ALL LANDSCAPE AREAS SHALL BE KEPT WEED FREE BY EITHER HAND PULLING OR A COMBINATION OF POST EMERGENT / PRE EMERGENT HERBICIDES. POST EMERGENT - ROUND UP, PRE EMERGENT - CHAPCO DONTAL/VEERLAN OR APPROVED EQUAL.
- 2 ALL LAWN AREAS SHALL BE MOVED ONCE A WEEK DURING GROWING SEASON.
- 3 FERTILIZING SHALL BE DONE AS FOLLOWS: ALL PLANTING AREAS ONE PER YEAR. ALL LAWN AREAS TWICE PER YEAR.
- 4 AERATING AND DETHATCHING AS NECESSARY TO PROVIDE OPTIMUM GROWING ENVIRONMENT. MOW ALL LAWN AT A MINIMUM 2" HEIGHT.
- 5 REPLACE ALL ANNUAL COLOR AREAS EVERY 60-90 DAYS AS NECESSARY. 4" FOTS @ 6" ON-CENTER.
- 6 PRUNE ALL DECIDUOUS TREES AND SHRUBS DURING DORMANT SEASON PRUNE AND TRIM ALL EVERGREEN TREES AND SHRUBS DURING GROWING SEASON.
- 7 PRUNING AND THINNING OF TREES SHALL BE DONE BY CUTTING SELECTIVE BRANCHES AND NOT TOPPING OR SHAGGING THE TREE.
- 8 KEEP GROUNDCOVERS 1/2" AWAY FROM ALL SHRUBS AND TREE TRUNKS BY HAND PULLING OR APPLICATION OF ROUND-UP.
- 9 ALL HERBICIDES SHALL BE MIXED AND APPLIED IN ACCORDANCE WITH MANUFACTURERS INSTRUCTIONS AND GUIDELINES.
- 10 ALL HERBICIDES SHALL BE APPLIED IN ACCORDANCE WITH ALL STATE AND LOCAL CODES.
- 11 FERTILIZE IN FALL AND SPRING WITH A BALANCED FERTILIZER, SUCH AS 16-16-16 IN ACCORDANCE WITH MANUFACTURERS INSTRUCTIONS.
- 12 ALL TREES IN LAWN AREA SHALL HAVE AN 18" DIA. AREA FREE OF LAWN AROUND TREE TRUNK. SPRAY POST EMERGENT HERBICIDE OR HAND PULL.



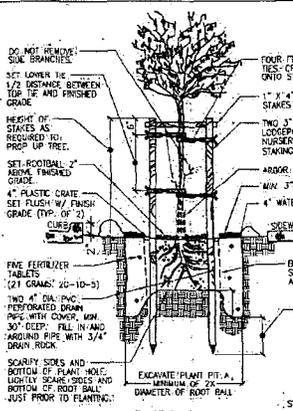
1 HEADER BOARD DETAIL NTS



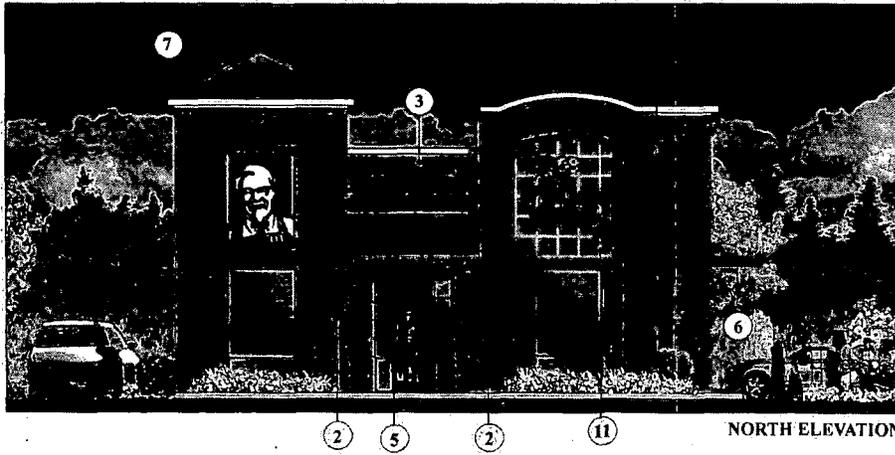
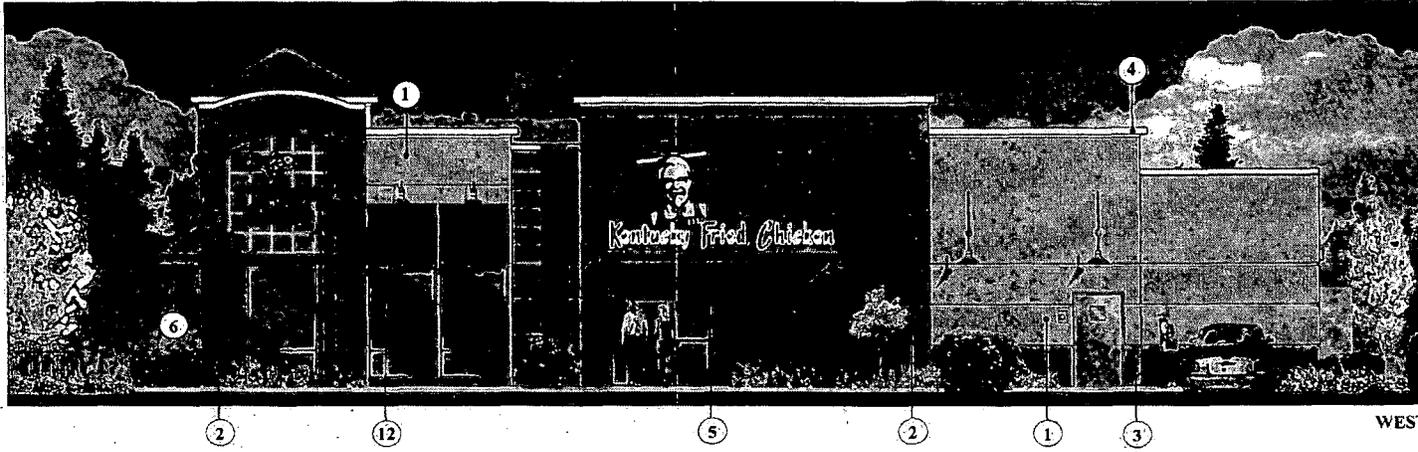
2 CONC. PAVED TIPS NTS

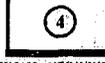


GROUNDCOVER SPACING NTS



1 PLANT DETAIL NTS



- | | |
|---|---|
|  |  |
| BM HC-21 "HUNTINGTON BEIGE"
KFC ACCENT | CLEAR GLAZING
DARK BRONZE ANODIZED FRAME,
STOREFRONT |
|  |  |
| H.C. MUDDOX: THIN BRICK
"OLD TOWN RED"
TOWERS | DARK BRONZE
CANOPY |
|  |  |
| BM 1588 "GRAY PINSTRIPE"
BETWEEN THE BRANDS | RED TILE ROOFING
KFC-TOWER |
|  |  |
| SW 2123 "KFC WHITE"
PARAPET WALL | BM 2164-10 "YORK HARBOR YELLOW"
LONG JOHN SILVER ACCENT |

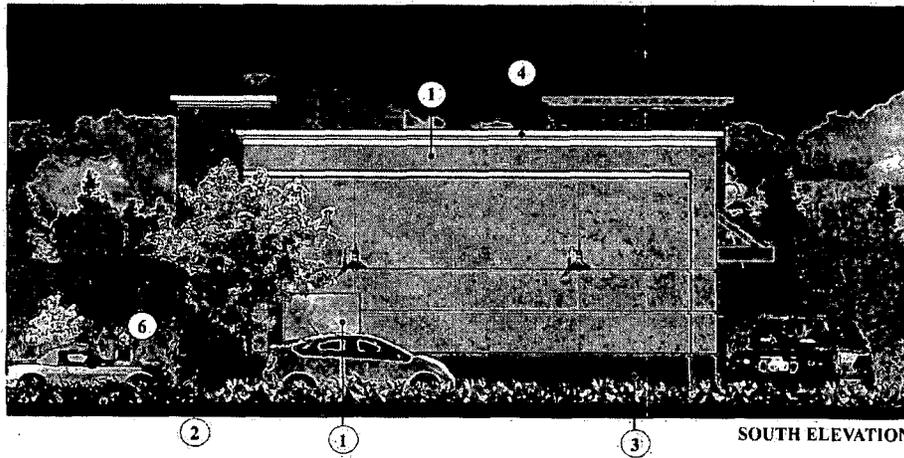
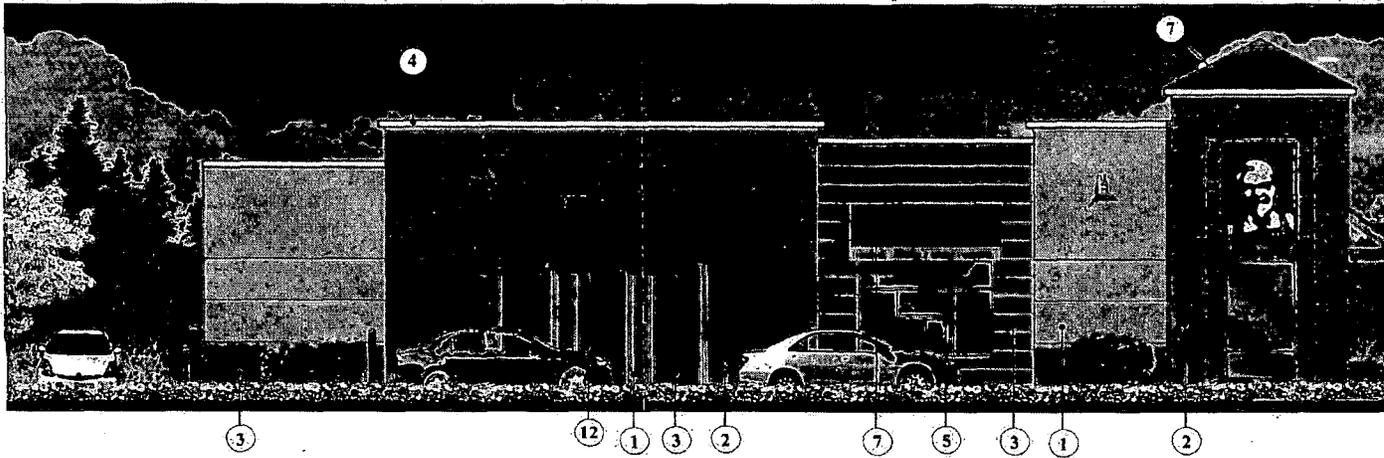
DATE 11-24-08

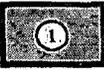
KFC/LONG JOHN SILVER'S RESTAURANT

OWNER Harman Management
Los Altos, CA

2128 Sutterville Rd.
Sacramento, CA

ARC
VIN
SAN



- 

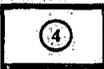
1
BM HC-21 "HUNTINGTON BEIGE"
KFC ACCENT
- 

5
CLEAR GLAZING
DARK BRONZE ANODIZED FRAME
STOREFRONT
- 

2
H.C. MUDDOX THIN BRICK
"OLD TOWN RED"
TOWERS
- 

6
DARK BRONZE
CANOPY
- 

3
DM 1588 "GRAY PINSTRIPE"
BETWEEN THE BRANDS
- 

7
RED TILE ROOFING
KFC TOWER
- 

4
SW 2123 "KFC WHITE"
PARAPET WALL
- 

11
BM 2154-40 "YORK HARBOR YELLOW"
LONG JOHN SILVER ACCENT

DATE 11-24-08

KFC/LONG JOHN SILVER'S RESTAURANT

OWNER Harman Management
Los Altos, CA

2128 Sutterville Rd.
Sacramento, CA

Attachment 6 - Neighborhood & Public Comments

>>> Owen Flynn <oflynn@surewest.net> 02/05/2008 5:04 PM >>>

Jamie,

The renderings showed seven to nine cars in the line for the drive through (one of them being a Hummer 2). Kentucky Fried Chicken seems attract in an inordinate amount of drive through traffic, as illustrated by the volume at the Freeport store even though the drive through is inconvenient and awkward. The members of the College Plaza Neighborhood Association are concerned about the livability of our small working class neighborhood. We would like to see development more in the vein of the new creperie that went in down the street from us on 10th and Freeport. A small locally owned and operated restaurant that caters to the people living in the community, not to the transients driving through our area.

Also, the thought of living down wind from TWO fried food franchises pumping that greasy smell into our air is too much. I don't care how many "scrubbers" they put in their hoods, there is no way they will eliminate that smell.

Thanks for your concern and feel free to give me a call,

Owen Flynn
College Plaza Neighborhood Association
(916) 730-6936

>>> <patsemail@comcast.net> 02/11/2008 1:20 PM >>>

Dear Jamie, Thank you so much for the update on the KFC/LJS project on Sutterville Road.

As a homeowner in Hollywood Park for many years and a member of the Hollywood Park Neighborhood Association we are very interested in being a part of keeping our neighborhood the special place that it is. I envision the area surrounding City College to be much like a village with restaurants with outdoor seating, coffee shops and safe walking areas on Sutterville Road, Freeport Boulevard and in Land Park. It would be great if KFC/LJS could set the building back, closer to the alley, so that outdoor seating, with tables and umbrellas, could be used by customers especially on beautiful summer evenings. I like what McDonalds has done with the new exterior on their new building on Freeport Boulevard. Somehow the brick front makes it look more established and settled in its neighborhood and the new Petrovich center at Sutterville and Freeport is a great example of being a part of a village. Has a formal review date been scheduled? I am sure the 4 surrounding neighborhood associations representatives would want to be in attendance. Please keep us posted when that happens and Thank You again.

Pat Pederson 456-6311 patsemail@comcast.net

>>> "Kathleen Babin" <seabas@att.net> 03/26/2008 10:51 AM >>>

Dear Jamie

Following are comments of the Sierra Curtis Neighborhood Association regarding the KFC/Long John Silver's proposed at 2128 Sutterville Road (P08-002).

1) We would like to see a more classic-style architecture typical of other buildings in the area. There are various examples of vernacular architecture surrounding this location. Attractive Spanish-style buildings exist next door, at City College and nearby on Freeport Blvd. Recent projects such as Stone Pointe Center, Oto's Market and the Freeport McDonalds have provided designs that enhance the streetscape and compliment the surrounding communities.

The project, as currently designed, is a typical suburban style which is not desirable for a city location. Meanwhile, there is a KFC/A&W located on Alhambra at Capitol which is a more appropriate design for this location.

2) We oppose the drive through. This is an auto-oriented use and where we would like to see more pedestrian-friendly design – especially across from the College and adjacent to walkable neighborhoods. We would like to see improved, separated sidewalks for the comfort and safety of pedestrians (such as those at Stonepointe Center).

3) There should be an outdoor eating area (preferably to the west, away from the street!). Outdoor eating is very popular and is possible year round in Sacramento. This amenity makes sense particularly in this location across from the College. The outdoor tables at the Freeport McDonalds are filled even on chilly winter days.

4) A concern about traffic circulation – will traffic be able to turn left into the driveway from Sutterville, across the double yellow line? We expect that a fast food project, especially a drive-through, will generate more traffic than the current use and wonder if such ingress will be safe.

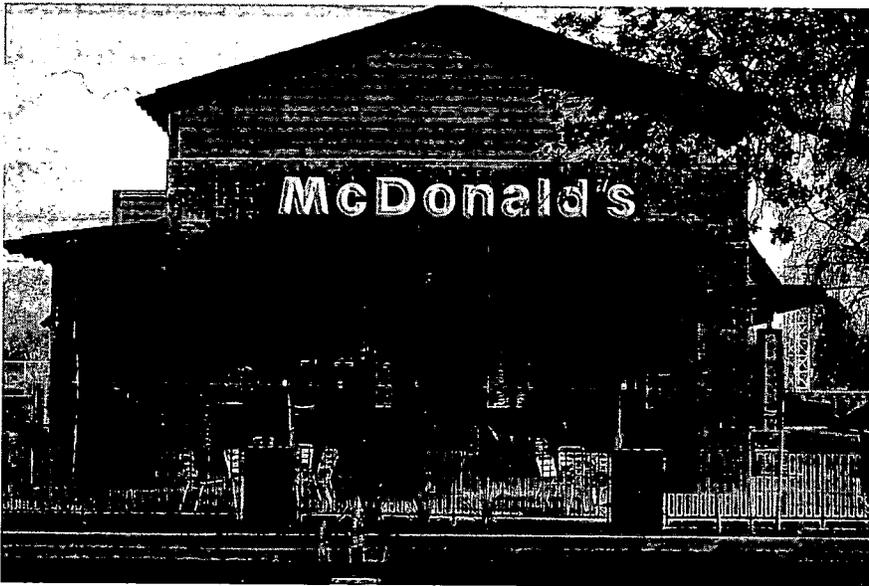
I have attached several photos from our new visual preference survey. We would like to talk with you or the appropriate person about design guidelines or review for Freeport and the Sutterville spur (at City College). I believe Land Park and Hollywood Park Associations are interested in this as well.

We would be happy to discuss this project further with you and the applicant. Feel free to contact me directly. Thank you for your consideration.

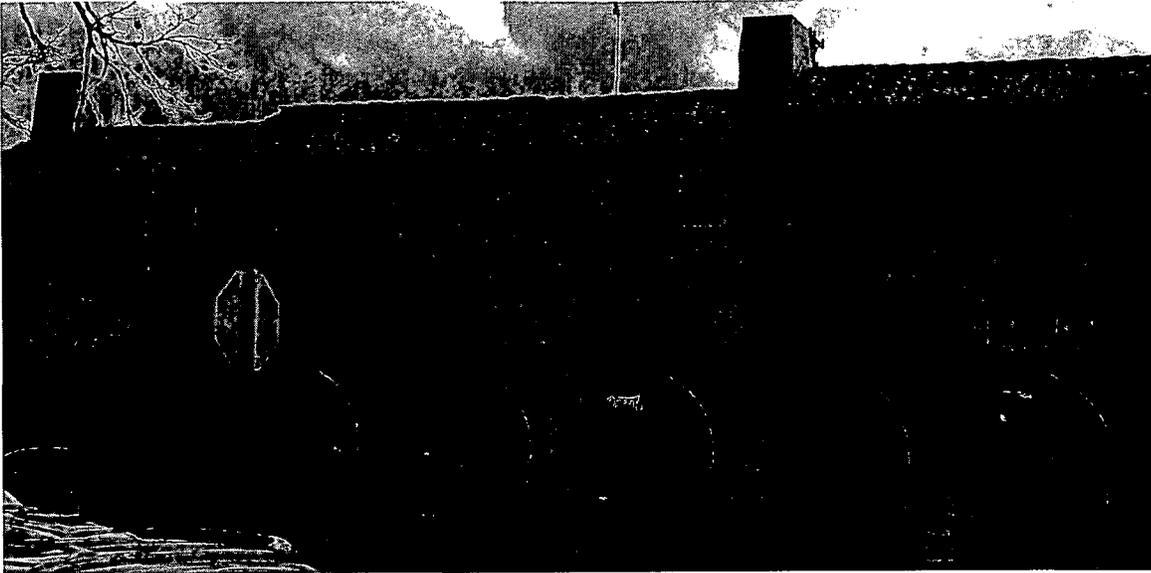
Kathleen Babin
seabas@att.net
H: 916.451.8902
C: 916.284.9477



KFC Alhambra and Capitol



McDonald's Freeport



Historic Spanish style building on Freeport Blvd.



Stonepointe Center at Freeport and Sutterville

>>> "Joan Schmidt" <JSchmidt@creativelivingoptions.com> 09/15/2008 5:36 PM >>>

Jamie,

It is my understanding that comments regarding a proposed Kentucky Fried Chicken business on 12th Ave. in Sacramento should be directed to you.

Our son Deron Schmidt owns the home at **2129 15TH St.** that backs up to the proposed site. Deron is a young man with developmental disabilities and Autism. He is non verbal and lives in his one on one Supported Living Arrangement at that address. This means he has a personal attendant with him 24 hrs. a day as he is unable to care for himself. The one thing Deron loves and is able to do is enjoy his yard. Due to Deron's Autism he is unable to sit very long so is "on the move" constantly. **As you will see in the attached Sacramento Bee article published to let the community know of his plight** he was finally able to find a way to be "on the move" in a home of his own at this property. The house is very a very small 650 sq.ft home but the large fenced yard allows him to enjoy his environment day and night.

The threat of access to a business like this without a privacy wall is extremely threatening to Deron's environment as well as his health and safety. Because of Deron's Autism he lives with sensory challenges that include things most of us are unaware of. His sensitivity to noise, light and smell are just some things that can ruin his life if not controlled. When these conditions are present Deron has reactions to them that are extreme. Anyone that has worked with Deron has experienced the outbursts, screaming, self abuse, fear and inability to calm down when he is in public situations that are ridden with noise or bright lights. This lovely, quiet, peaceful house and yard that Deron calls home was truly a find and an answer for him to be able to maintain a stable, healthy life. The search for this unique setting was a joint effort by his family and many friends in the community known as his Circle of Support. The rare opportunity to purchase and own his own home was a creative plan put together by the Alta California Regional Center, Far Northern Regional Center, The Department of Developmental Disabilities and The Fanny Mae Home Choice program. Deron's home is not a group home and is not licensed but a wonderful opportunity for him to be able to live within his limited SSI income. Deron's home and lifestyle have been featured not only in the Sacramento Bee but also in the Sacramento Magazine, by the Sacramento Association of Realtors and he was the guest of honor at a Legislative Session on Affordable Housing. Deron has been a pioneer of Supported Living Services proving that people with the most challenging disabilities can live in their community if they have a supportive environment.

All we are asking is that if and when establishing this business a soundproof wall is included in the plan that will prevent additional alley traffic, noise and will help block the strong smells and lights that would be part of the operation. We want to support community growth and efforts to increase business in the neighborhood. However, the plan without a soundproof wall that would allow access to the ally "in Deron's back yard" would result in serious health and safety threats to him. Although I was unable to attend your last meeting, my husband John represented Deron voicing our concerns. I'm concerned that although there have been some concessions made nothing has been mentioned about a wall which is used in similar situations. Perhaps because Deron has a disability and can't speak for himself some would ignore his concerns. Unlike many of us who can move our residence if we need to Deron doesn't have this choice so if nothing is done to support the needs of a person with disabilities he will suffer the consequences. If this were to be the case it would be social and environmental injustice to what many would agree is "DERON'S DREAM".

Thank you for your consideration. Please keep me posted as to the status of this issue.

Joan Schmidt, CEO
Creative Living Options
2945 Ramco St. Ste. 120
West Sacramento, CA 95691
916-372-2102 Voice
916-372-2123 FAX

Deron's Dream

After frustrating experiences with group homes for her son, Joan Schmidt helped create a place that helps mentally disabled people

By David Barton and Bruce Dancis -- Bee Staff Writers
Published 2:55 p.m. PST Sunday, Nov. 25, 2001

It may not look like much, this tiny house set behind a low cyclone fence in a low-income Sacramento neighborhood south of City College, but it is a dream home. It was a dream without a dreamer. Or so some thought.

For years, this home was hidden inside the mind of a man who, for most of his life, wasn't acknowledged even to have a mind worth noticing, let alone dreams worth pursuing. And yet, as Deron Schmidt, the home's owner, wanders the grassy lot on a sunny November morning, there is a palpable sense of contentment. He is in near-constant motion, from his bedroom to the kitchen to the trampoline in the front yard. The contentment is there in his relaxed but energetic demeanor, in his soft, dark eyes. Or is it?

To look into Deron's eyes is as much to wonder as to know. Even those closest to him have a tenuous connection with his inner world, even as they see his life improve as they pursue their stilted, but fruitful, dialogue with him. Schmidt, 29, is autistic. Like many with this poorly understood developmental disability, he has never spoken a word, and until the past few years, he was prone to violent outbursts that made him difficult to handle, even to house.

"About 10 years ago, he was getting pretty violent," says his mother, Joan Schmidt. "We couldn't have him at home, and at the group home, they were afraid he'd hurt somebody. I could see that the only remaining option for him was Sonoma State (a developmental center that is the hospital-like home for those who are unable to cope in private or group homes). I'd visited hospitals, and that just wasn't an option for us. So I said, 'What if we took the same money to maintain someone in a hospital and set him up in a supported, independent-living situation?'"

Behind Joan's thinking was the notion that Deron's outbursts were based on something real: frustration and anger that he had no control over his life. "I don't know about you, but my worst nightmare would be to have my mother in charge of what I wore and did every day," says Joan, a robust mother of four adults whose lifelong work as a trainer and organizer in various business capacities, as well as her role raising an autistic son, has made her an appealing combination of authority and diplomacy, of kindness and resolve. "Everyone is entitled to their decisions and choices," she says. "Everyone has an idea of what they want. When you see people who are very developmentally disabled, I think much of that glazed look is just that they've shut down because they aren't a part of what's going on. "But when people get a chance to make their own choices, we see them come alive and wake up, because we ask them what they want to do and where they want to go."

With that in mind, Joan and her friend Kathi Campbell, who is also the mother of an autistic adult, have formed a nonprofit company, Creative Living Options, that aims to give people like Deron a chance to live their own lives. Launched in March, the company is already serving four individuals -- not including Deron, for whom his mother is what is called a "parent vendor" -- and has a long waiting list. It is one of a dozen or so such agencies in the state Department of Developmental Services' Alta California area, which covers 10 Northern California counties, including Sacramento County.

Julia Mullen is the manager of the community development branch of DDS, which has an annual budget of \$2.1 billion to serve some 170,000 people in California with serious developmental disabilities.

Of those 170,000 people, she says, 67 percent live at home with a parent, even through adulthood, and 16 percent live in licensed care facilities (or group homes). Only 9 percent live in their own homes. The other 8 percent live in state hospitals or skilled nursing facilities.

But, she says, "Supported independent living is the fastest-growing living arrangement in the developmental disabilities service system. It's because our society has come to a greater appreciation of the fact that people with developmental disabilities are citizens, too, and that inclusion in the community is important for them and for the community at large. "We all grow from their presence."

Deron moved into the community, into his own apartment, 10 years ago and became a homeowner in August of this year. He still needs around-the-clock assistance, but what has changed is his behavior and, those close to him believe, his sense of having his own life. In the past few years, his violent outbursts have decreased from hundreds in a day to a few, if any, per month. But since Deron doesn't speak, how did his mother know he even wanted his own home?

"He told us," she says. The key to talking to Deron has been "facilitated communication," by which a question is asked and the answer is given by the disabled person using a keyboard.

"When we sat down with Deron, we asked, what does he like?" she says. "He likes to go for walks, he likes jewelry, he has a great appreciation for art, and so you start building his life and how to make the supports. He doesn't like crowded places, so let's not put him in a place with a lot of people. It's just as you and I would do it: How do you want to structure your life?"

But facilitated communication is a controversial approach. Because many autistic people have poor motor control and therefore cannot type, their hands must be held in some fashion by a "facilitator." And this has led to accusations that it is the facilitator, not the autistic person, who is responding. But Mark Grassinger, Deron's friend of 12 years and the house manager for his home, has no doubt about the usefulness of facilitated communication. The proof, he says, is in Deron's life.

"He was so aggressive and unhappy when we met," says Grassinger. "He had no voice, and through facilitated communication, we were able to find a voice, and through that he was able to start living. "I understand the skepticism (about facilitated communication), I really do," says Grassinger, 37. "Society has taught us that if you don't speak the same as everyone else, you must not be all there. Speech is the communication people are willing to accept as a sign of intellect. And Deron has never formally learned to read, though he reads magazines all the time. "But I know that FC works with Deron, because when Deron makes choices, they are sound choices," he says. He offers a couple of examples.

"When we go out to breakfast, and he types out what he wants, and then he demolishes it, he's made the choice he wanted," he says. "When he picks out a pair of shoes in the morning, he'll keep them on, whereas if they're the ones I choose, he'll take them off. "I can tell by his actions that he is happy with his choices. The validation of his expression is truth enough for me."

Grassinger has been with Deron for 12 years, and the trust that they've developed is the key to not just the facilitated communication but to Deron's sense of being an individual, and an adult. But adult responsibilities can chafe as much as they liberate.

"When we start doing things for him, he loses the desire and the ability to do things for himself," says Grassinger, who directs the household and keeps Deron on track. "So he needs to take responsibility for himself, and he does. He gets himself up now. He shaves, showers, he's fully included in his life -- and he has self-esteem now, he derives great pleasure from being able to accomplish things.

"I treat Deron as I treat anyone else," he adds. "In many ways, I don't treat him any differently from my other friends. I don't let my other friends hit me, and I don't let him. It's like, 'Dude, if you want to hang, this is the way it is. Don't hit me.' And he gets that.

"If I went in and said, 'I'm just here to take care of him, love and nurture him,' Deron wouldn't have gotten where he is today."

And since Deron has 24-hour assistance, he has three roommate/helpers, each on an eight-hour shift, led by Grassinger. One is Joseph Sampaio, who, during his eight hours daily with Deron, takes him to his apartment complex to do some light weight training.

"He feels better if he looks well," says Sampaio. "He doesn't like to do it at times, but he feels good about himself." Another helper is Gabe Jimenez, who has a relationship with Deron that's quite different from Grassinger's, Sampaio's or Joan Schmidt's.

Jimenez is a stocky, muscular man who, when not with Deron or his own family, is a professional wrestler known as Big Ugly. And part of his unique contribution to Deron's life is the way he avoids the common caregiver's trap of treating the charges like children. Jimenez doesn't buy that.

"He's a man, even though he's got a disability," Jimenez, 28, says as he and Deron make a fifth walking lap around the track at Hughes Stadium, where Deron works out three days a week. "He wants to be in control, but he also wants things done for him. So he has to learn that being in control means work."

And Jimenez is not a hugger or a hand-holder. He prefers instead to indulge Deron's predilection for giving high-fives, figuring that if Deron's going to become a part of society, he has to observe its social constraints.

"The general public doesn't want some 29-year-old man to walk up to them and give them a hug," says Jimenez.

"Same way it's not OK for him to walk up to someone when they're eating and take food off their plate."

But while Deron is learning the most basic social rules and undertaking the mastery of activities most people don't even think about, he is also teaching those around him.

"Deron has been one of my greatest supports and continues to be," says Grassinger. "I see the struggles and challenges that he has, and it puts my own trivial problems into perspective. I derive great strength from Deron.

"And Deron has shown me that I have this ability to work with people with disabilities," he says. "You can go your whole life without knowing what you're going to do, and Deron has shown me what I have to do."

To that end, Grassinger has undertaken a social-work degree at Sacramento City College. As for Joan Schmidt, knowing that Deron is on his way to his own life has freed her to help those who may not know about their options to choose supported living.

"My thing isn't Deron now," she says. "I don't worry about what will happen to him if I drive off a cliff tomorrow. I want my kids to live to the highest sense of their desires rather than just keep them safe at home in bed. With someone with developmental disabilities, it doesn't always happen that they ever get to grow up.

"And everyone deserves the chance to grow up and have his own life."

Deron agrees. Sitting down on the day before Thanksgiving to talk through his keyboard, he's not in as sunny a mood as he was the previous week. Some of the head-slapping behavior that was once the norm has returned, and his responses to questions are punctuated by yelps and cries and the random head movements that are a common feature of autism.

And yet he recognizes a visitor and, unprompted, types "Yim glad bto see you." Asked how he likes his new house, he types, "it feelsright." Writing like this, with Mark holding his wavering arm, is always difficult for Deron, but it his link with a world that otherwise would have no idea who he really is inside. So, despite his pained expression and struggle to control his head and arms, he volunteers a closing comment. "I have becomen real happy since i have received help yliving on myu own."

About the Reporter

The Bee's David Barton can be reached at (916) 321-1075 or dbarton@sacbee.com .

>>> Ryan Curtis <ryan_curtis@me.com> 09/15/2008 8:18 PM >>>

As a resident of the Carlton Tract and an immediate neighbor of the proposed site of the KFC/Long John Silver I am very concerned about these plans -- as well as the actions of the developers.

I have not received any information about this project or plans voluntarily from these people-- only by chance and a lot of digging and calling around have any of us heard about what is going on and what their plans are.

The Information submitted regarding the August meeting also seem somewhat misleading, as none of the residents of the immediate area are in any way happy with their plans.

Personally, I'd rather not have the business there at all-- the plans look like an eye sore and if this plan goes forward I expect it will significantly lower the value of my home my it's proximity, and if the actions of the planning team are any indication I don't expect the future behavior of this business and management to be any more conscientious.

The access the ally behind the property simply can not be allowed -- and I was somewhat confused because on the one hand they insist that it won't significantly increase traffic in the alley, yet they are absolutely refusing to budge on the access. If it won't be used all that much, why are they so attached to it?

We are already pushing to have this alley considered for complete closure because of the extensive use this alley receives as a "cut through" for people trying to avoid traffic on Sutterville (which this business -- especially with a drive through -- will only exacerbate) as well as night time use by criminals on foot.

Additionally, the east end of this property is directly across the alley from an autistic gentleman that you may have heard of from others. Deron lives with care takers and frequently uses this alley of safe and secure access to his home and property, and as a neighbor I'm concerned for his safety even with the possibility of bollards blocking the alley as he has been known on occasion to take off running from his caretakers during a moments inattention-- if he were able to run through the bollards and into the parking lot of this business, not only would it make it much harder of them to catch him again but it also means that he could potentially get through to the busy traffic on Sutterville.

I apologize for not getting in touch with you sooner, but as I said-- it's been difficult to get any information on this project and I can only hope that this reaches you in time to have some input on what happens.

Please contact me if you have any questions about my concerns, or would like to clarify any information

Ryan Curtis
ryan_curtis@me.com
916-396-4579

>>> Melanie Neves <neves.melanie@yahoo.com> 09/15/2008 9:33 PM >>>

After much time and consideration I have come up with what I believe is a thorough synopsis of the possible problems with the Sutterville KFC/Long John Silver's project These are my main objections-

They should not have access to the alley. Funneling commercial traffic through an alley that is used by residents is just not acceptable. At the meeting an idea was briefly entertained that dividing the alley and forcing the vehicular traffic to go west only would lessen the impact somewhat. However, contrary to what is stated in the notes from Linda Budge and Karen Gukki everyone did not agree to this. I am definitely not on board with this plan for the following reasons: it would not provide any noise control, it would not stop garbage from blowing into the alley and our yards, and it would not deter foot traffic. The problems with foot traffic are almost as bad as those with cars. They leave behind garbage, they are often noisy, they harass and taunt backyard dogs, throw trash into our yards and if it was KFC trash (chicken bones etc...) it could very well kill our dog. Also the area right next to that alley exit is likely to become a hang out for some of the problem elements in the neighborhood- steady flow of traffic that for the most part would look the other way, food and just out of sight of the main street- great place to deal drugs, hang out and drop cigarette butts everywhere and listen to loud music. We proposed no alley access, a solid concrete block wall possibly with some sort of irrigated landscaping to deter graffiti and make it more eye pleasing to the residents. They said no, but insist that there won't be that much traffic and that it is not that big of a deal for them to use the alley but if that was true would they be fighting so hard for access to it? We are standing firm on this matter. No alley access and sound proof wall is necessary to keep this project from having a really negative effect on our neighborhood and property values. There was discussion about reviewing the alley after a period of time and if it is deemed necessary at that time closing their access but after reading the misleading notes from the meeting I do not trust them to follow through or be honest with us. I believe Kathleen Babin submitted some examples and city codes that indicate a wall between a business of this nature and residential properties should be standard.

The next issue is the appearance. The compromise was that they are going to put a tiny bit of brick that matches the college on it to make it tie into the neighborhood. I don't think this is enough. Both the college and my house are from the same era (predating most of this neighborhood) and they look nothing alike but are both still lovely and timeless due to the elegant and simple architecture. Why does there have to be giant pictures of the "Colonel" and fish all over it? Will patrons not be able to tell what restaurant it is from the name? Have we sunk so low as a society that we can only identify where we want to eat by a tacky, out dated picture? The building they are proposing is slightly revised "suburban" model so to speak. This is not the suburbs. This is a part of the city that has had its ups and downs partly due to some hasty development in the middle of the last century. Do we just want to keep repeating that cycle. If you drive through some of the areas of the city and its out lying areas that were "all the rage" just 10-20 years ago where these types of stand alone, corporate branded buildings dominate the landscape you will see why we are concerned. They look rundown and dated. Most are showing signs of damage that is just not worth repairing due to the cheap materials that were used and even worse many of them sit empty because the business moved out and nobody else wants them. On the contrary most of downtown and the older areas have a kind of timeless appeal to them that allows them bounce back from hard times much easier. That is what we should be striving for. The new Stone Point shopping center turned out pretty nice and simple looking, Raleys is about to undergo a major face lift and in comparison the KFC building

will look cartoonish and cheap. We can't have a building like the new one on Alhambra because it "isn't required here" says to me that they are only willing to do the bare minimum to get by and that doesn't make for a good neighbor.

Last but not least is simply the KFC reputation. It is not a good, responsible or progressive reputation to say the least. Their own advertising in recent years seems to be painting them as a kind of low class hang out and cheap fast food for people who can't be bothered to ponder what they are eating. They claim it will bring "good, legitimate traffic to the area" but I find this hard to believe. I think they will in fact draw negative attention to the neighborhood. I talked to a Lawyer specializing in Land Use issues. He is actually familiar with these KFC representatives and indicated from his previous experiences with them that they feel they can do what ever they want in "lower income" neighborhoods because well..... who cares. They also seem completely uninterested in taking any steps towards making their operation or building more environmentally friendly. After a long drawn out campaign by animal rights organization to get KFC to start procuring their chicken from more responsible sources the Canadian restaurants agreed.....the American ones refused to even consider it. They seem to be against progress of any kind. That is not the influence we want or need in our back yard.

That should about cover it....I believe you will also be hearing from our autistic neighbors family as what an extremely negative effect the KFC's alley access would have on his life. I believe my lawyer friend called it Social and Environmental Injustice.

Thank you,
Melanie Neves
4050 22nd St.
Sacramento, CA 95822

November 25, 2008

RE: Proposed Sutterville KFC & Long John Silver's

College Plaza Neighborhood Association supports responsible, community oriented development. **CPNA is unable to support this proposal.**

Unfortunately, this project focuses on serving transient users, those with little to no investment in the adjacent neighborhoods or the immediate community setting. The general nature of fast food/fried food operations rarely make for good neighbors. Off-site smells, light and glare, litter, loitering, constant noises (car stereos, order squawk boxes, and the general noisy "pass-thru" nature of users) typically are not considerate of nearby neighbors.

The City would do well to review its own Drive-thru Policy, and the background materials that resulted in the implementation of a Conditional Use Permit requirement for drive-thru uses. A most applicable lesson of community building may be found at the NE corner of 19th and J Streets, in highly walkable Midtown. In the early 1990's a Jack-in-the Box with drive-thru was initially proposed for a then vacant lot, previously occupied by a shuttered card-room. (A setting not un-like the blighted one introduced in this case by the closure of the previous business.) In that case, as a result of engaging the community, the property owner abandoned the corrosive and costly drive-thru battle, and instead pursued the by-right development that is now a thriving neighborhood corner. That community gathering place is economically strong, with a variety of small businesses and a vibrant sidewalk setting.

The Sutterville site, with nearby walkable, pre-WW II neighborhoods, as well as the SCC community, readily lends itself to a similar positive outcome. Indeed, this City may find a more contemporary example of civic minded and supportive community building merely by looking a short distance east and appreciating the recent efforts of Rancho Cordova. That young city is trying to overcome the previously implemented short-sighted fast-food blight along Folsom Blvd. Rancho Cordova has adopted thoughtful mixed-use and related design guidelines in order to instill an enhanced quality of life setting for the adjacent neighbors and community at large. Such would be appropriate at this location.

As an aside, it is our understating that the current KFC site on Freeport could readily be re-opened by another fast-food/ fried food vendor, thus resulting in a net increase of adverse impacts aroma-wise and otherwise.

CPNA stands ready to work with the landowner towards a positive, responsible development that is supportive and respectful of the needs of the surrounding community.

Thank you for the opportunity to provide comments on this project.

Owen Flynn,
College Plaza Neighborhood Association

**City Of Sacramento,
Development Services
300 Richards Blvd.
Sacramento, Ca.
95811-0218**

Nov. 29, 2008

Re: P08-002 KFC/LongJohn Silvers Drive-through

For the last 38 years I have designed and developed a fairly well known Aroma Garden. While it is a nice visiting spot for other gardeners it is especially valuable to the blind. I am anxious to preserve its ambience without the intrusion of nearby cooking fish & chicken. I will be watching closely the development of this café less than one block from my home.

Sincerely,

A handwritten signature in cursive script that reads "Mike Walker".

**Mike Walker
4100 21st Street
Sacramento, Ca.
95822-1306**

Simply put, this is not an appropriate use for this property. We do not feel that the entire City Planning Commission adequately examined the impact this project would have on a variety of points:

- Noise from both the business itself and from customers -- ie, the drive through order board itself, customers trying to make themselves understood at the drive through order board, customers waiting and playing music or otherwise being disruptive, customers loitering in the parking lot, etc -- will significantly impact the quality of life for all of the immediate neighbors but most especially for Deron Schmidt, a severely autistic and hypersensitive resident and property owner living immediately to the south of the proposed project site and drive through.
- Street traffic on Sutterville in this area is already dangerously heavy during most of the day and the addition of customers trying to enter and leave this parking lot, as well as customers trying to leave the drive through (at times across multiple lanes of heavy traffic with short lines of vision in either direction), will only make an existing problem worse.
- As noted, this section of Sutterville is already quite busy and as such dangerous for pedestrians attempting to cross. We feel that adding a flashing light to a crosswalk on a busy four lane thoroughfare simply is not adequate to ensure pedestrian safety on such a hectic and heavily trafficked street, and this project would encourage pedestrians to make a dangerous crossing.

- Traffic is also an issue along this section of alley (sometimes due to drivers trying to avoid the heavy traffic on Sutterville), to the point where several attempts by residents have been made to try to close the alley to through traffic-- the addition of traffic to or from this project will again only exacerbate an existing problem. The alley is not a "street", does not receive city maintenance and is not intended to handle such heavy, sustained traffic.
- Currently this section of alley is accessed by 8 residential properties and only a single commercial property along Sutterville, which is only used to access materials stored to the rear of that property. In fact, most businesses have gone out of their way to block access to and from the alley. Adding alley access to this project would increase general access to the alley and significantly alter the utilization of this alley.
- Property owners, both commercial and residential are very concerned about the negative impact the project will have on property values. Not many other business want to move into a property that shares a fence with a fast food restaurant and almost no one wants to buy a house next to one. Frankly we fail to see how this project will be anything but a detriment to the area both immediately and long term.

Additionally, throughout this entire process we the residents of the Carlton Tract have been told a variety of falsehoods and been handed broken promises by the project managers and representatives, and as such feel that a greater oversight of this project is required.

