

**CITY OF SACRAMENTO
DEPARTMENT OF PLANNING & DEVELOPMENT
ZONING ADMINISTRATOR
1231 I Street, Sacramento, CA 95814**

ACTION OF THE ZONING ADMINISTRATOR

On Wednesday, August 21, 1996, the Zoning Administrator approved with conditions special permits to allow required parking to be located on an adjacent parcel and to operate a sidewalk cafe in the public right-of-way for the project known as Z96-076. Findings of Fact and conditions of approval for the project are listed on pages 3-6.

Project Information

- Request: 1. Zoning Administrator Special Permit to allow an existing off-site parking lot (under same ownership) to be used for required parking for a restaurant on 0.37 ± total developed acres in the General Commercial (C-2) zones.
2. Zoning Administrator Special Permit for a sidewalk cafe.

Location: 2029 J Street and 924 21st Street (D3; Area 1)

Assessor's Parcel Number: 007-0016-018, 011

Applicant: Subway #18244 (Tony Rajab)	Property	Ali Mohammad
2029 J Street	Owner:	P.O. Box 660211
Sacramento, CA 95814		Sacramento, CA 95866

General Plan Designation:	Community Neighborhood Commercial and Offices
Central City	
Community Plan Designation:	General Commercial
Existing Land Use of Site:	Print shop and Apartments
Existing Zoning of Site:	General Commercial (C-2)

Surrounding Land Use and Zoning:

North: C-2; Commercial
South: C-2; Commercial
East: C-2; Commercial
West: C-2; Commercial

Property Dimensions: Irregular
Property Area: 0.37 ± acres
Parking Required: 15 spaces
Parking Provided: 15 spaces (6 spaces by credit and 9 off-site)
Topography: Flat
Street Improvements: Existing
Utilities: Existing

Project Plans: See Exhibits A and B

Previous Files: Z95-099

Background Information: On November 27, 1995, the Zoning Administrator approved a Special Permit Modification to allow an additional apartment unit on the second floor of the building (Z95-099). There was no parking requirements as the building was constructed with limited on-site parking and prior to the parking requirements.

Additional Information: The applicant proposes to locate a restaurant within an existing building. The restaurant will occupy 1,627 square feet within the 12,600 square foot building. The applicant (Subway) proposes 44 seats inside and four tables with 8 seats along the sidewalk adjacent to the building in front of their tenant space. The outdoor area will be five feet wide and 32 feet long adjacent to the building. The outdoor seating will be located in the public right-of-way and requires a Special Permit. The building is on the northwest corner of 21st Street and J Street. The plans indicate each table adjacent to the building will seat two. There is one table that is shown that blocks the upstairs' entrance and another table adjacent to the store entrance that is on-site and will be counted towards seats for the required parking spaces.

The restaurant space for 44 seats will require 15 parking spaces on site based on the Zoning Ordinance requirement of one parking space per every three seats. The area that is going to be leased by Subway was previously a retail space and has a parking credit of six spaces. The owner of the site also owns an adjacent parking lot. The parking lot does not meet current Zoning Ordinance standards for stall size, maneuvering, and other circulation requirements. The lot also has tandem parking; however, the lot is existing and will not be modified with this proposed application. The applicant will locate the remaining required nine spaces on the adjacent parking lot. The Zoning Ordinance allows required parking to be provided on sites that are under same ownership and within 300 feet of the proposed property which requires additional parking with a Zoning Administrator Special Permit. There is no parking requirement for seating located within the public right-of-way.

The site is located within the Boulevard Park Neighborhood Association area. The proposed plans have been submitted to the neighborhood association and staff received no comments. The project has been noticed and staff received one call from an adjacent

property owner to the north of the parking lot. The caller was concerned that an existing driveway on his property currently used by cars parking in the parking lot not become encumbered legally by the granting of the special permit. There is no legal document or recorded reciprocal access agreement between the property owners concerning the use of the off-site driveway for the existing parking lot. The alley is used for access to the south.

Environmental Determination: This project will not have a significant effect on the environment and is exempt from environmental review pursuant to State EIR Guidelines {California Environmental Quality Act, Section 15301 and Section 15305(b)}.

Agency Comments

The proposed project has been reviewed by the various City Departments. Their comments have been included as conditions of approval.

Conditions of Approval- Off-Site Parking Area

1. The applicant shall designate nine parking spaces in the parking lot as "RESERVED FOR SUBWAY". The reserved spaces shall be spaces adjacent to the alley.
2. The applicant shall apply for a parking variance if the proposed parking lot is ever eliminated or no longer available for the required restaurant parking.
3. Note: The parking lot does not meet current standards and if the driveway on the adjacent property is no longer available to access the northern tandem spaces, then the parking lot will need to be reconfigured. The north driveway belongs to the adjacent property owner and is not a legal driveway for this site as no documented reciprocal access agreements between property owners are recorded and the driveway is not on site.

Conditions of Approval-Sidewalk cafe

1. An area five feet maximum in width and a length approximately 17 feet long adjacent to the building shall be delineated with decorative paving or painting on the sidewalk to indicate the sidewalk dining area and the area outside the sidewalk dining area shall not to be obstructed. The proposed materials for the sidewalk delineation shall be reviewed and approved by Design Review Staff prior to installation and prior to occupancy of the sidewalk area. The applicant shall post a sign in the restaurant indicating the sidewalk outside of the striped area is to remain unobstructed with chairs. **NOTE: Tables and chairs adjacent to the building recessed entrance (northeast corner) count in allowed seats for the restaurant use because they are on the property.**
2. The applicant shall conform to the submitted plans for the type, color, and materials

of the tables and chairs. The applicant shall place planters on each end of the outdoor seating area. The planters shall reviewed and approved by Design Review prior to installation or placement.

3. The sidewalk cafe seating shall not hinder the maintenance of any existing street lighting, traffic signal, or fire alarm equipment or the placement of any proposed future equipment. The applicant shall comply with the following requirements.
 - a. The existing electrical equipment at the location of the proposed sidewalk cafe should not be under any aboveground planter, table, chair, fence, etc.;
 - b. The City's Street Lighting, Traffic Signal, and Fire Alarm Maintenance personnel shall have easy access to any aboveground or underground equipment at all times for repair or maintenance;
 - c. Should the City decide to install any electrical equipment, the cafe owner shall move any fence, table, chair, aboveground planter placed by the owner to allow the City or its representative to do the work. The relocation of these items will be at the owners' expense. The City or its representative will attempt to coordinate with cafe owner and to work around anything as much as possible;
 - d. Show all the existing aboveground electrical facilities that will be within the sidewalk cafe area in relation to any chair, table, fence, aboveground planter, etc.; and
 - e. No signs, restaurant equipment, or other materials related to the sidewalk cafe are to be attached by chains, ropes, etc. or connected in any way to any street light, traffic signal, or fire alarm equipment.
4. No fence shall be installed.
5. A clear path way a minimum of 48 inches (four feet) must be maintained at all times between the tables, chairs, and the curb. The tables and chairs shall be kept adjacent to the building and a sign shall be posted that states only two seats are permitted for tables adjacent to the building.
6. No alcohol sales or service or consumption is allowed at the outside tables or chairs.
7. No live music, amplified music or sound system shall be installed or be audible in the sidewalk area.
8. No lights or signs shall be attached to or hung from the trees located in the sidewalk area.
9. Signs shall be clearly posted and maintained on the premises prohibiting

consumption for alcoholic beverages in this non-permitted sidewalk area or adjacent public area. The signs shall be worded as follows:

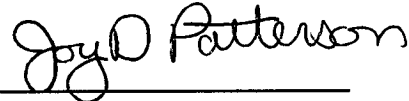
**UNLAWFUL TO ENTER, BE OR REMAIN ON ADJACENT PUBLIC SIDEWALK
WITH AN OPEN ALCOHOLIC BEVERAGE CONTAINER. C.P.C. 647E(A);
S.C.C.26.24(c)**

10. Restaurant windows shall be left unobstructed to all viewing of the interior of the business by patrolling police and so that the outdoor seating area is visible for monitoring from inside the restaurant.
11. Hours of operation of the sidewalk dining area shall be 9:00 a.m. to 9:00 p.m. When the sidewalk area is not in use for seating and service, all removable fixtures (i.e. chairs, planters, etc.) shall be stored on the restaurant property (within the confines of the building).
12. None of the furniture shall block any exit.
13. All illegal activities observed on or around the business shall be promptly reported to the police.
14. The sidewalk area within 100 feet of the restaurant and sidewalk cafe shall be monitored for trash that may be produced by this establishment. The employees and owners of the establishment shall be responsible for keeping this area clean of trash generated by the restaurant/sidewalk cafe use.
15. A Certificate of Insurance shall be submitted to the Zoning Administrator for the review and approval of the Zoning Administrator and City Department of Risk Management (Patty Cassidy, 264-5556) prior to issuance of the Encroachment Permit for the sidewalk cafe.
17. The applicant shall contact the Zoning Administrator's staff for a final inspection of the sidewalk cafe area to insure compliance with conditions of approval prior to operation of the sidewalk cafe area and issuance of an Encroachment Permit (contact Sandra Yope, 264-7158).
18. The applicant/property owner is responsible for any required repairs to the sidewalk due to the sidewalk cafe use.

Findings of Fact :

1. The proposed project, as conditioned, is based upon sound principles of land use in that:
 - a. adequate parking will be provided on an adjacent off-street parking lot; and

- b. sidewalk cafes allow for more people and activity on the streets.
2. The project will not be detrimental to the public health, safety, or welfare nor result in a nuisance in that:
 - a. adequate sidewalk area will be provided for pedestrians;
 - b. the surrounding area will be monitored for trash and kept clean; and
 - c. adequate parking will be provided in an existing adjacent parking lot.
 3. The project is consistent with the General Plan and the Central City Community Plan designations which designate the subject site as Community Neighborhood Commercial and Offices and General Commercial respectively.



Joy D. Patterson
Zoning Administrator

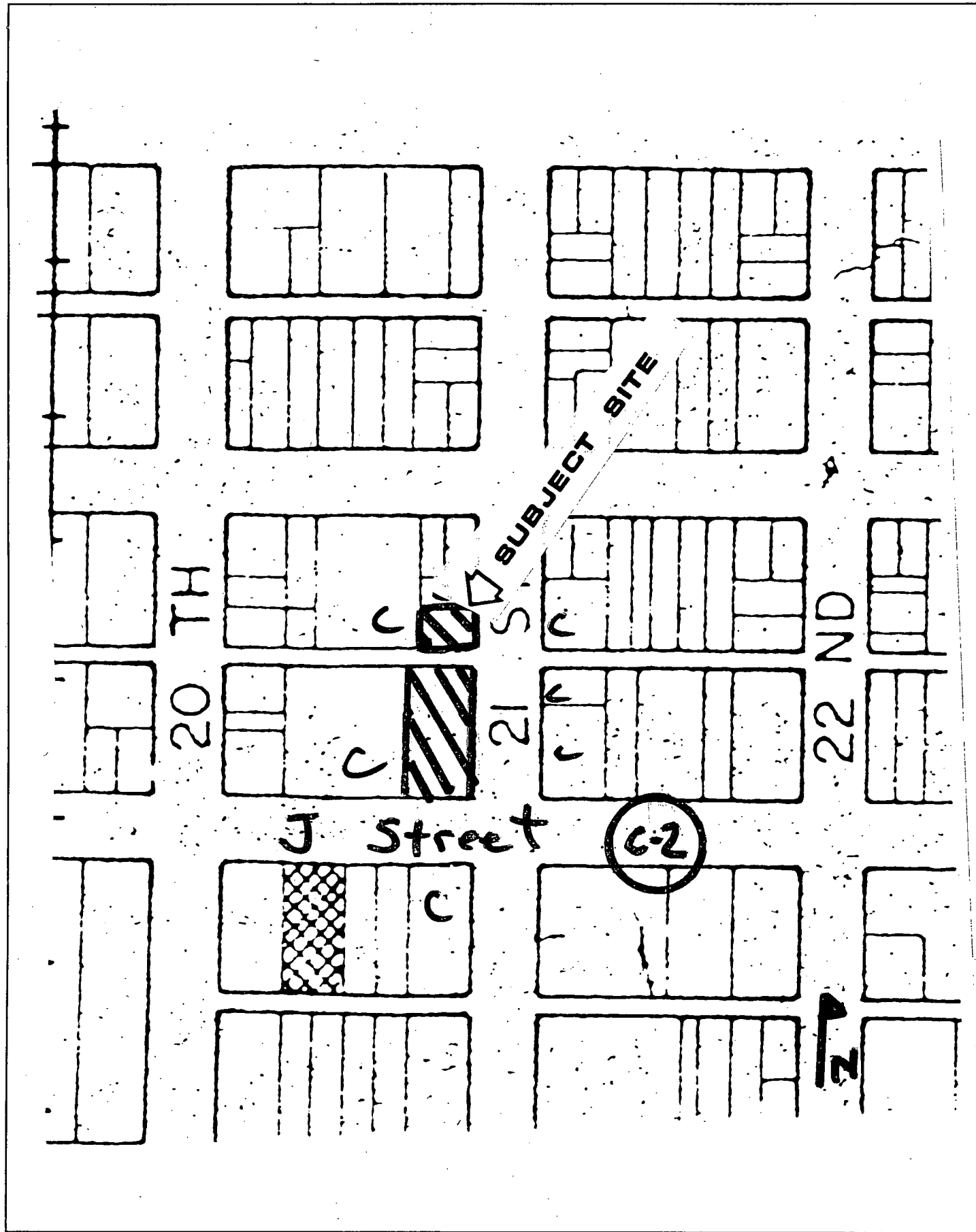
A use for which a Special Permit is granted must be established within two years after such permit is approved. If such use is not so established the Special Permit shall be deemed to have expired and shall be null and void. A Special Permit use which requires a Building Permit shall be deemed established when such Building Permit is secured and construction thereunder physically commenced. If no building permit is required, the use shall be deemed established when the activity permitted has been commenced.

The decision of the Zoning Administrator may be appealed to the Planning Commission. An appeal must be filed within 10 days of the Zoning Administrator's hearing. If an appeal is not filed, the action of the Zoning Administrator is final.

cc: File ✓
Applicant ✓
ZA Log Book ✓

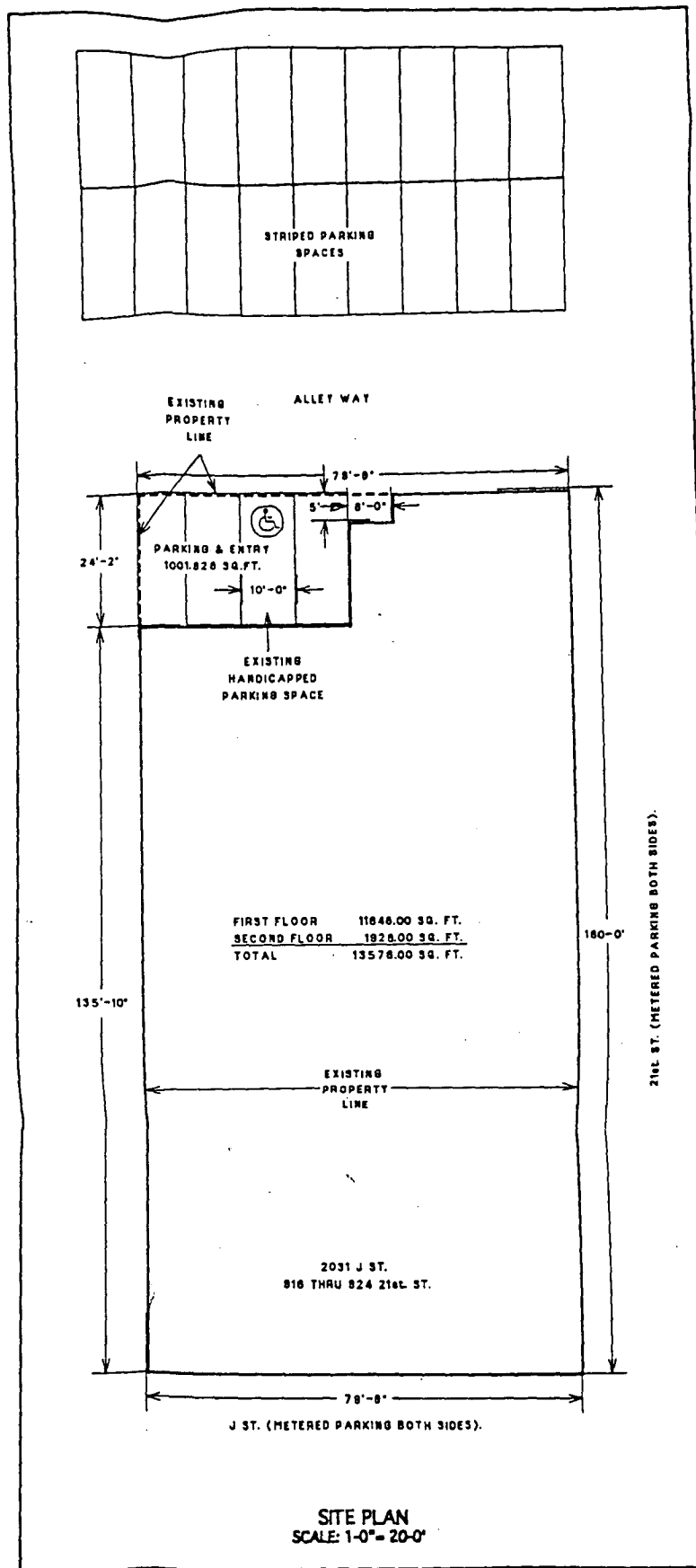


VICINITY MAP



LAND USE & ZONING MAP

EXHIBIT A

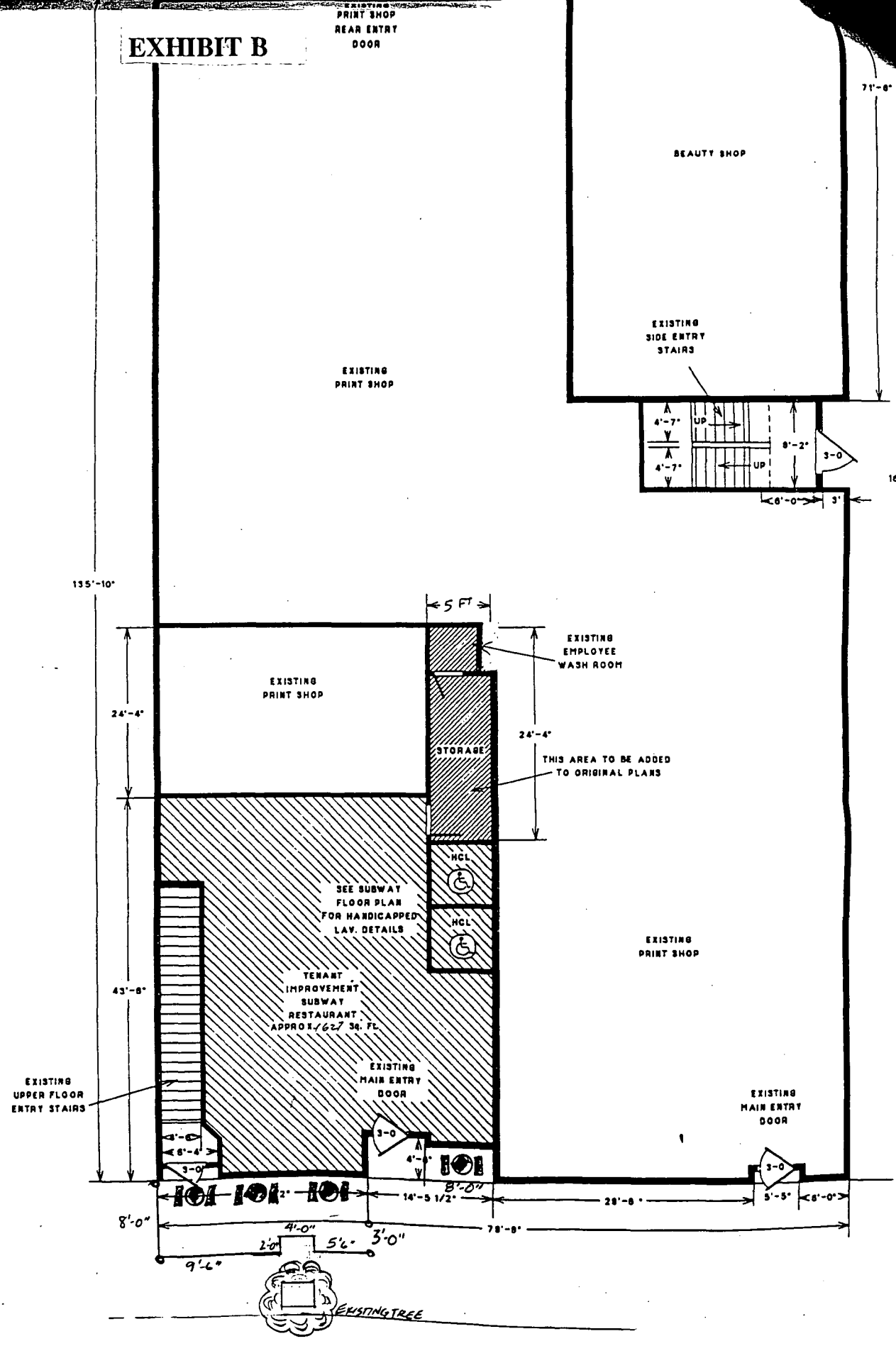


296-076

AUGUST 21, 1996

Item #3

EXHIBIT B



296-076

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