

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

ACTION OF THE ZONING ADMINISTRATOR

On Tuesday June 7, 1994, the Zoning Administrator approved with conditions a special permit to operate a sidewalk cafe in the public right-of-way for the project known as Z94-045. Findings of Fact and conditions of approval for the project are listed on pages 2-4.

Project Information

Request: Zoning Administrator Special Permit for a sidewalk cafe in the General Commercial (C-2) zone.

Location: 2730 J Street

Assessor's Parcel Number: 007-0111-020

Applicant: Randy Paragary
1401 28th Street
Sacramento, CA 95816

Property Owner: Richard Mendoza
2728 J Street, #201
Sacramento, CA 95816

General Plan Designation:
Central City

Community Neighborhood Commercial and Offices

Community Plan Designation:

General Commercial

Existing Land Use of Site:

Mixed use

Existing Zoning of Site:

General Commercial (C-2)

Surrounding Land Use and Zoning:

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

Property Dimensions: 120 feet x 180 feet (Sidewalk)

Property Area: 0.44± acres

Parking Required: 0

Parking Provided: 0

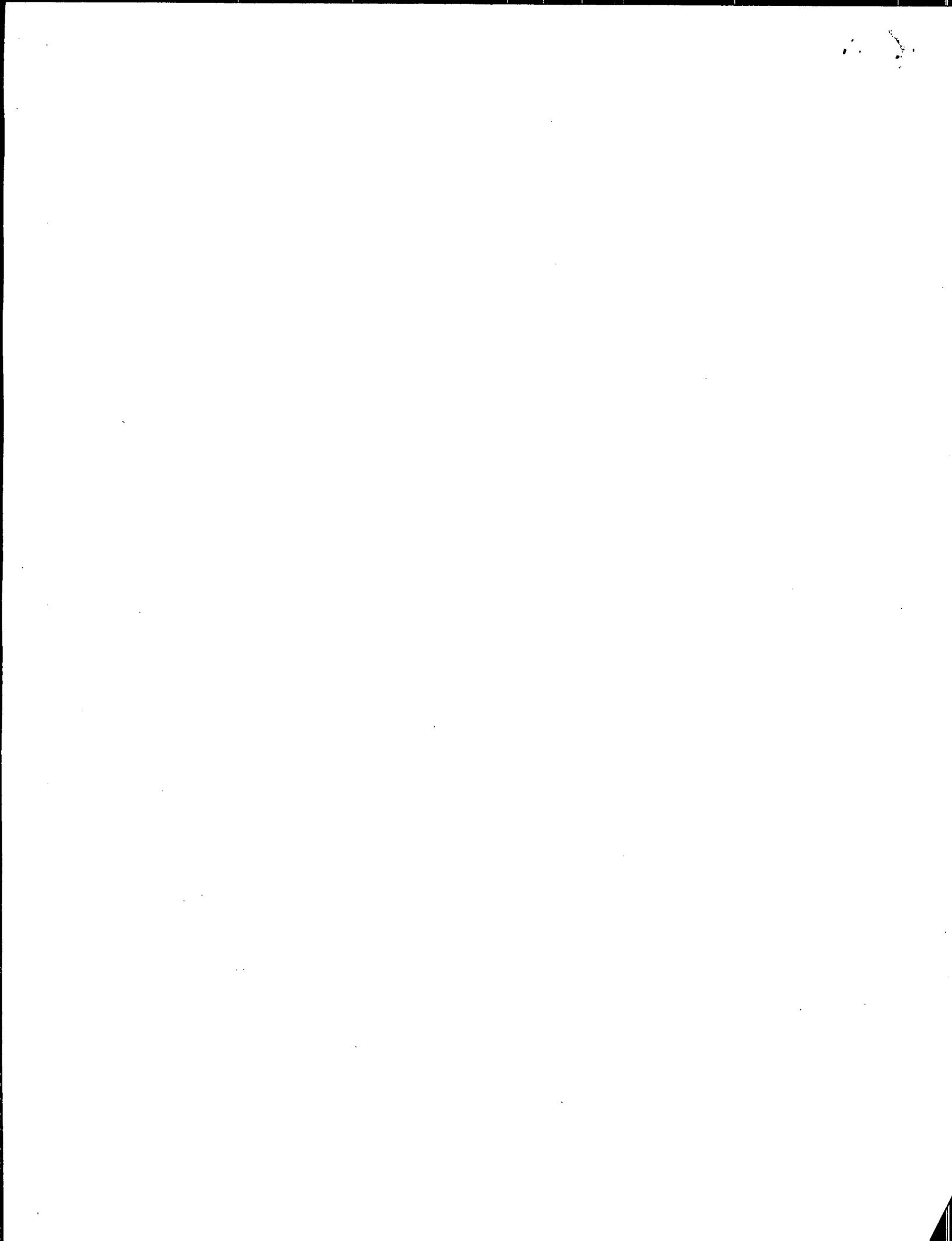
Topography: Flat

Street Improvements: Existing

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Utilities: Existing

Project Plans: See Exhibits A-C

Additional Information:

The applicant proposes to locate 42 seats for a restaurant on the sidewalk adjacent to the building. The outdoor seating will be located in the public right-of-way and requires a Special Permit. There will be four tables with four seats, one table with six seats, and ten tables with two seats. The building is on the corner and the proposed seating will be located on both streets (28th Street and J Street). The area will be enclosed with a decorative wrought iron fence in order to provide alcoholic beverage service to the outdoor tables. There are no parking requirements for outdoor seating in the public right-of-way.

The site is located within the Marshall School Neighborhood Association organization area. The proposed plans have been submitted to the neighborhood association and no comments were received.

Agency Comments

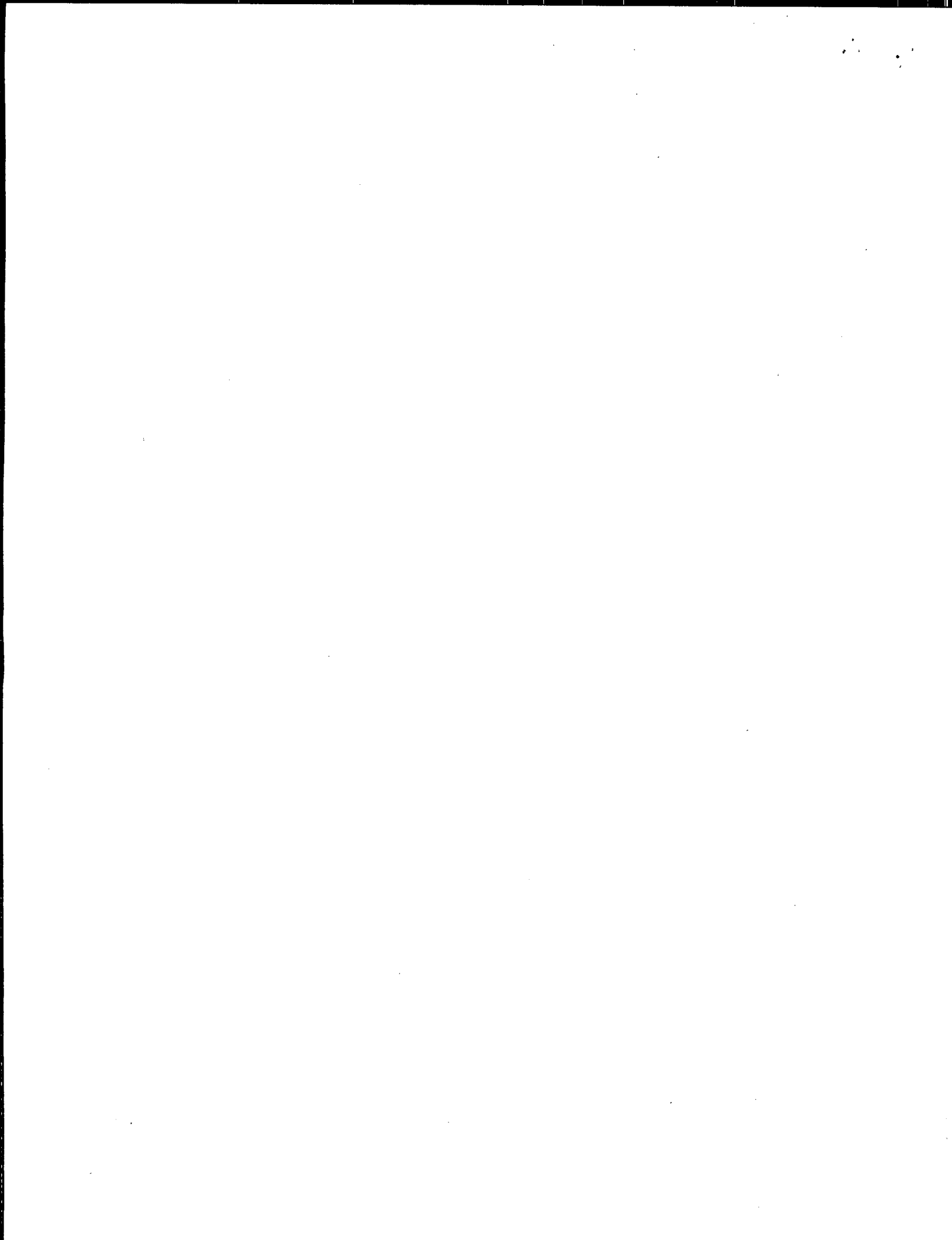
The proposed project has been reviewed by the various City Departments. Their comments have been included as conditions of approval.

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 15305(b)}.

Conditions of Approval

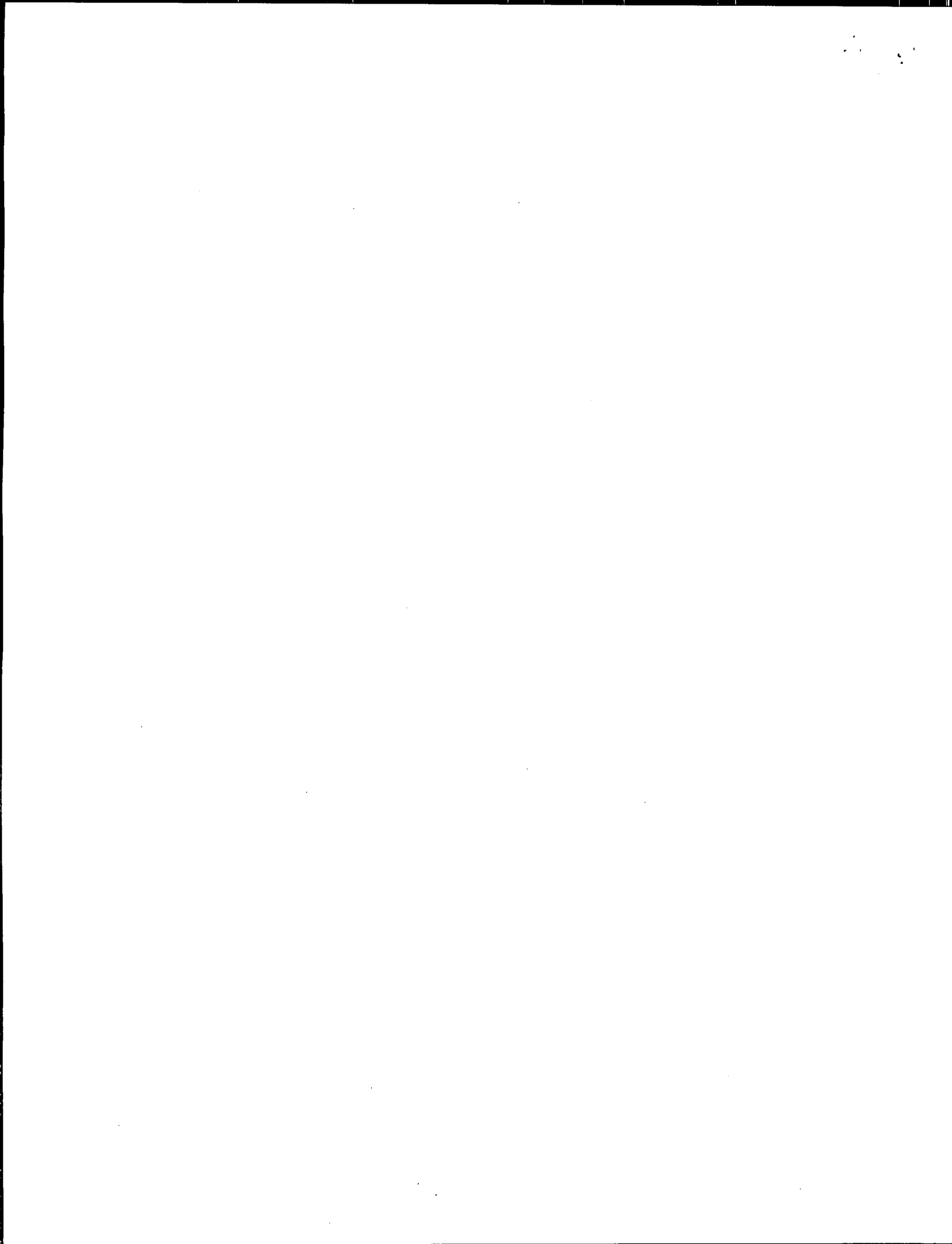
1. The furniture and fence design shall match the previously approved Cafe Bernardo's (P93-168).
2. There shall be stripes painted on the sidewalk to match the fence color indicating the clear zone from all the doors to the exits in the fence (See Staff Exhibit E for location).
3. The main entrance (northern entrance) shall have a recessed fence entrance a minimum of four feet long that shall remain open without a gate.
4. There shall be an emergency exit gate that opens outward for the second entrance emergency opening at the end of the fence located along 28th Street (southeast corner). The opening shall have a recessed fence entrance a minimum of four feet long that is to be secured with a gate (See Staff Exhibit E for location). (Note: If the enclosed seating area along 28th Street is reduced to a 20 foot corridor then the emergency exit gate is not needed.)



5. All gates shall be equipped with non-locking panic hardware.
6. The fence shall be no less than three feet in height and no more than four feet in height.
7. The fence location shall conform to the submitted plans.
8. No live music shall be permitted in the sidewalk cafe area.
9. No lights or signs shall be attached to or hung from the trees located in the sidewalk area.
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. Where windows are not appropriate for this purpose, closed circuit television shall be used.
11. Signs shall be clearly posted and maintained on the premises prohibiting consumption of alcoholic beverages on the non-permitted area of the business or adjacent public area. The signs shall be worded as follows:

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

12. Hours of operation of the sidewalk dining area shall be 8:00 a.m. to 12:00 a.m. When the sidewalk area is not in use for seating and service, all removable fixtures (i.e. chairs, planters, tables, etc.) shall be stored on the restaurant property.
13. None of the furniture shall block any exit.
14. All illegal activities observed on or around the business shall be promptly reported to the police.
15. If the applicant wishes to serve alcohol beverages, service is to be limited to the fenced area immediately adjoining the north entrance of the building. Alcohol service shall be limited to this enclosed area only subject to the following:
 - a. Sale of alcoholic beverages for consumption off of the premises is prohibited.
 - b. Alcoholic beverages will be served in non-breakable containers.
16. Size and location of the tables shall conform to the plans submitted.
17. 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.

18. 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 prior to issuance of the Encroachment Permit for the sidewalk cafe until the Encroachment Permit resolution is issued. **The public right-of-way cannot be used for a sidewalk cafe until the Encroachment Permit resolution is issued.**
19. 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 (contact Sandra Yope, 264-7158).

Findings of Fact:

1. The proposed project, as conditioned, is based upon sound principles of land use in that 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; and
 - b. the surrounding area will be monitored for trash and kept clean.
3. The project is consistent with the General Plan and Central City Community Plan 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.

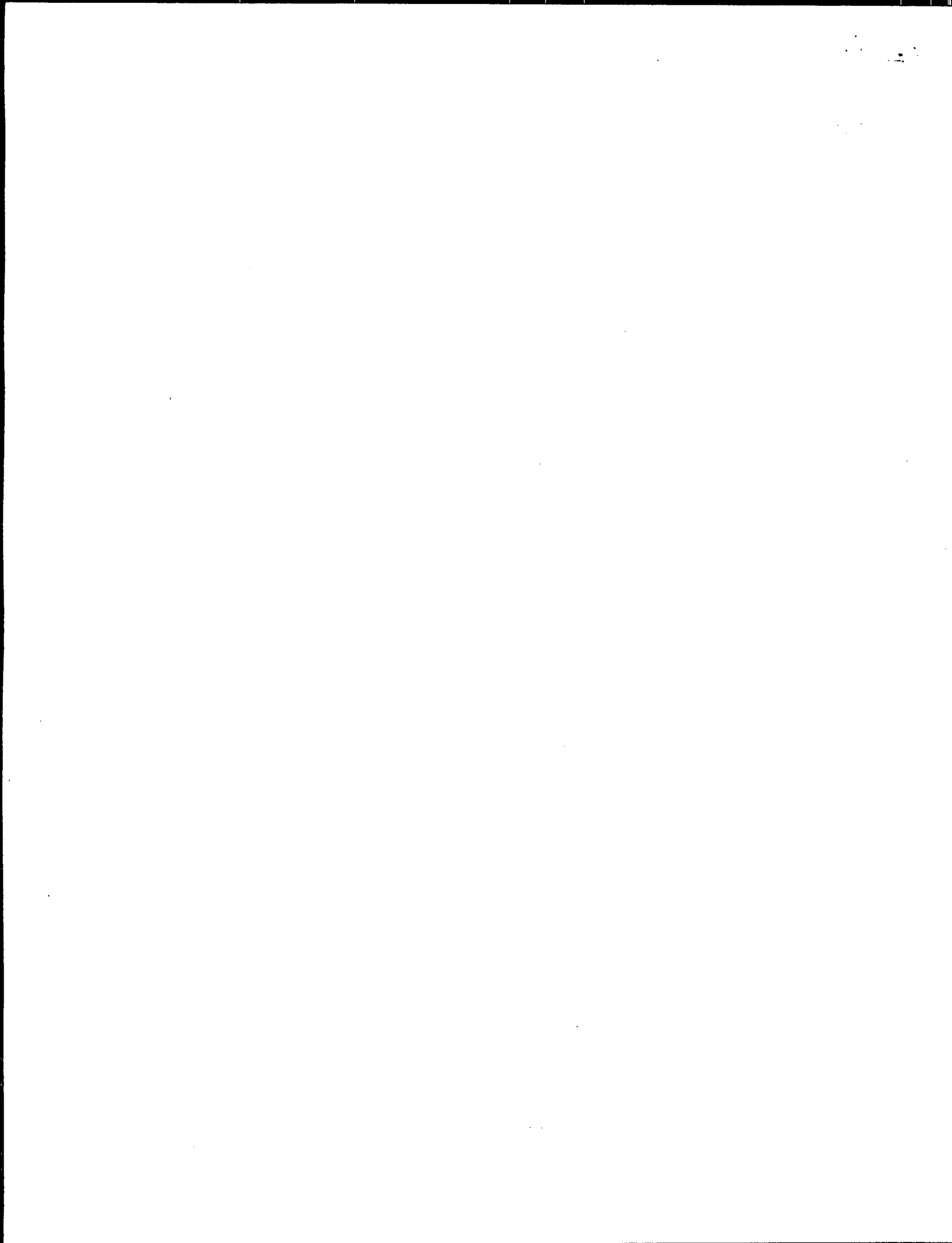


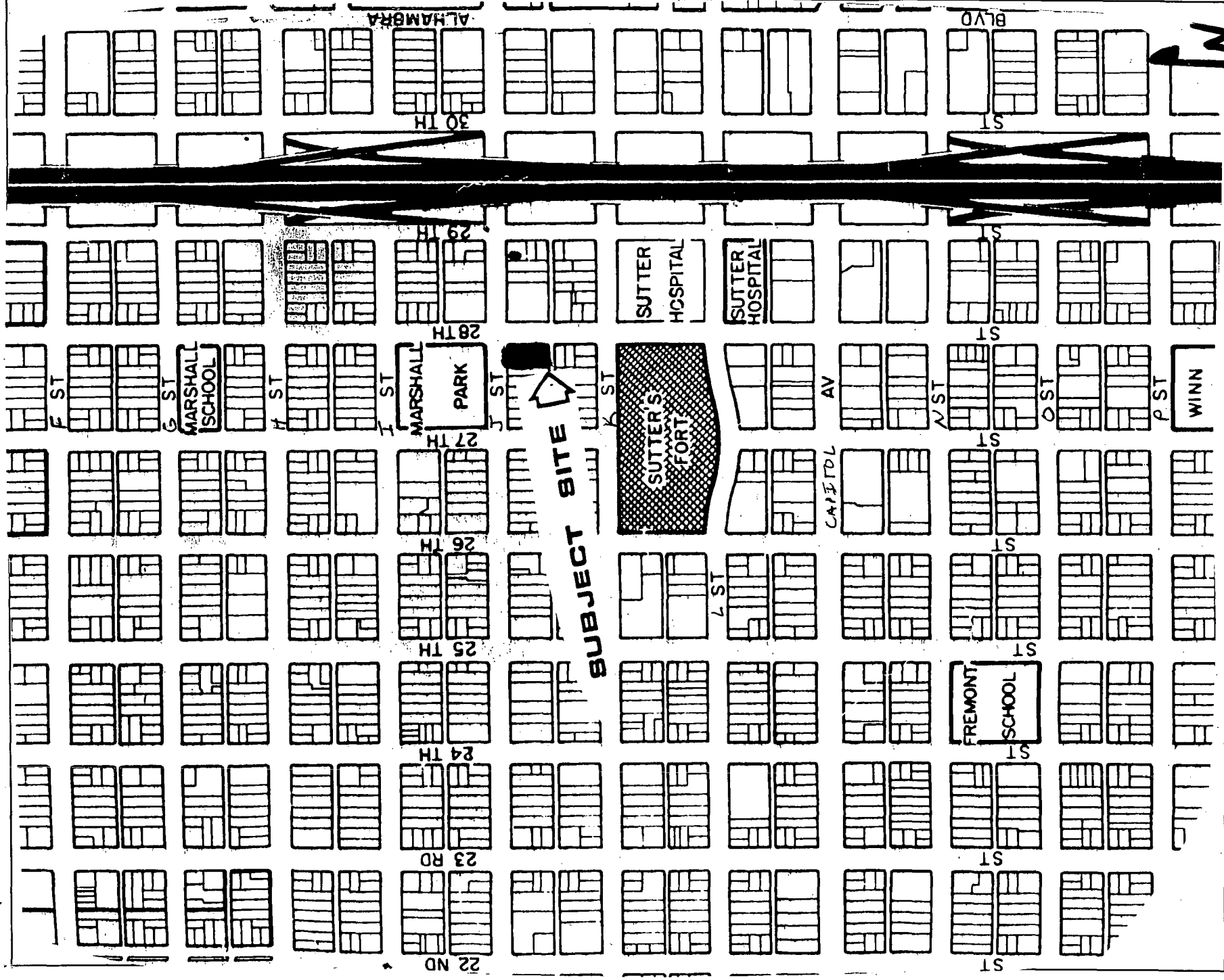
cc: File
Applicant
ZA Log Book
Sidewalk Cafe Log
Police Department- Lynne Ohlson (Mail Code 2121)

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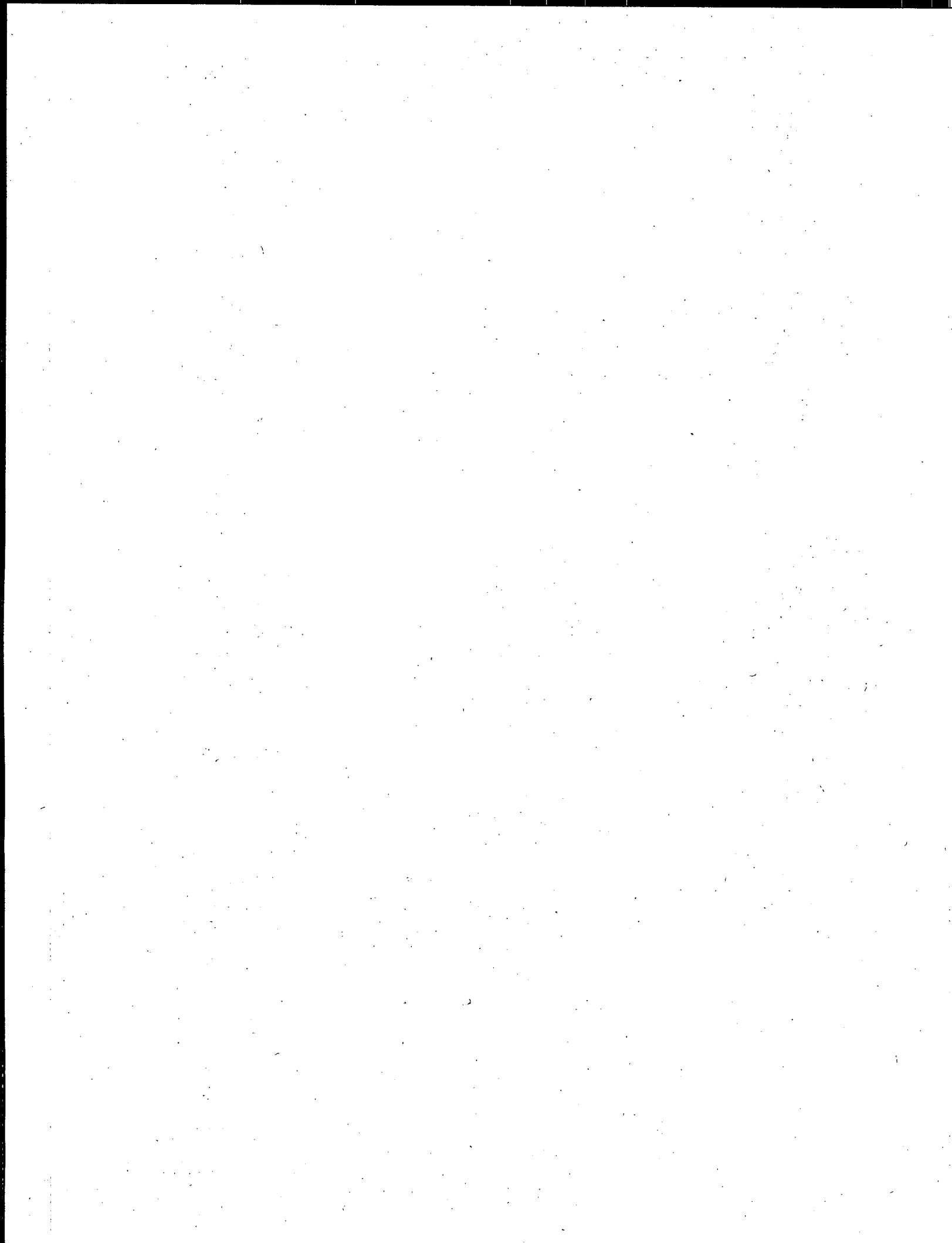


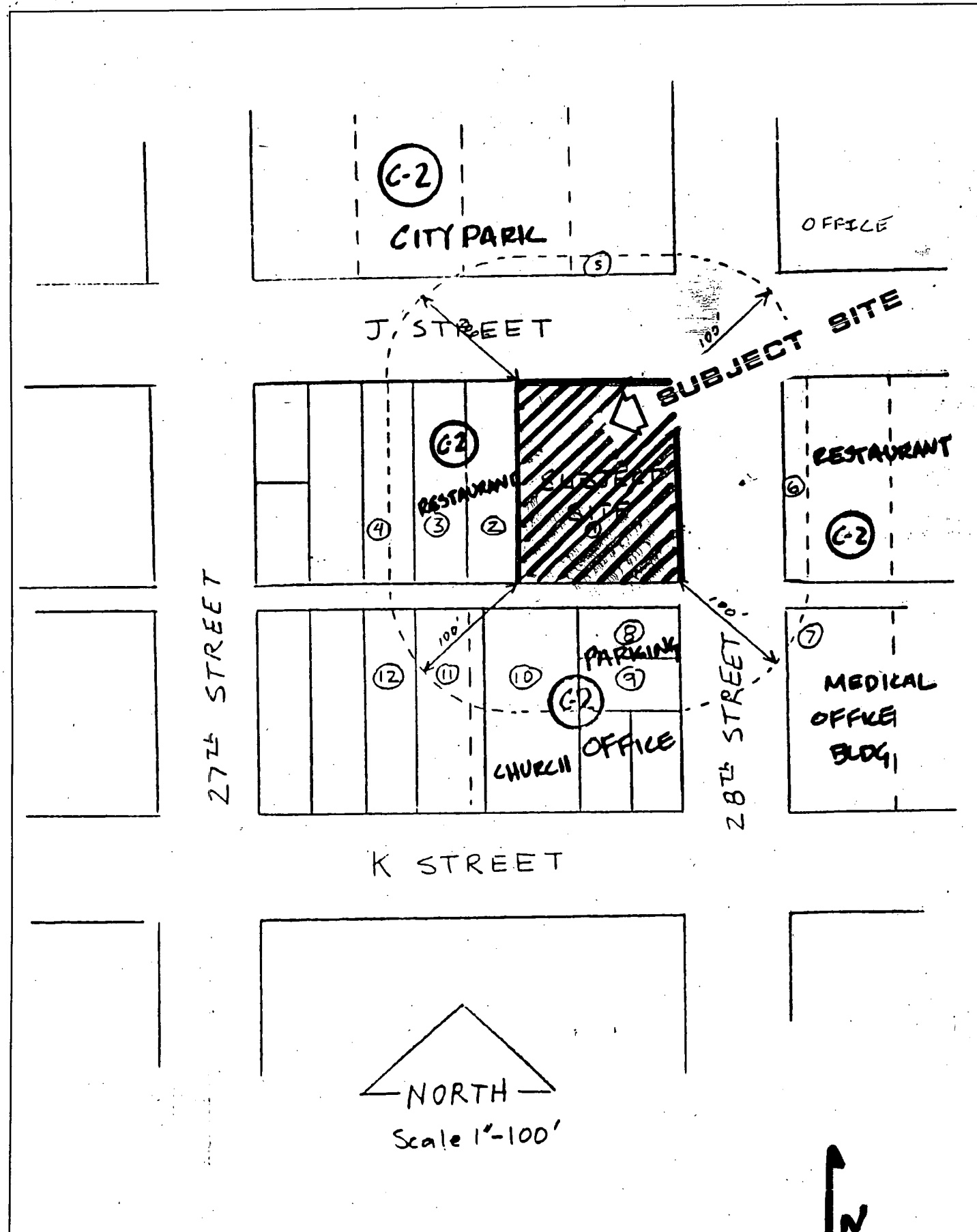
VICINITY MAP

Z94-045

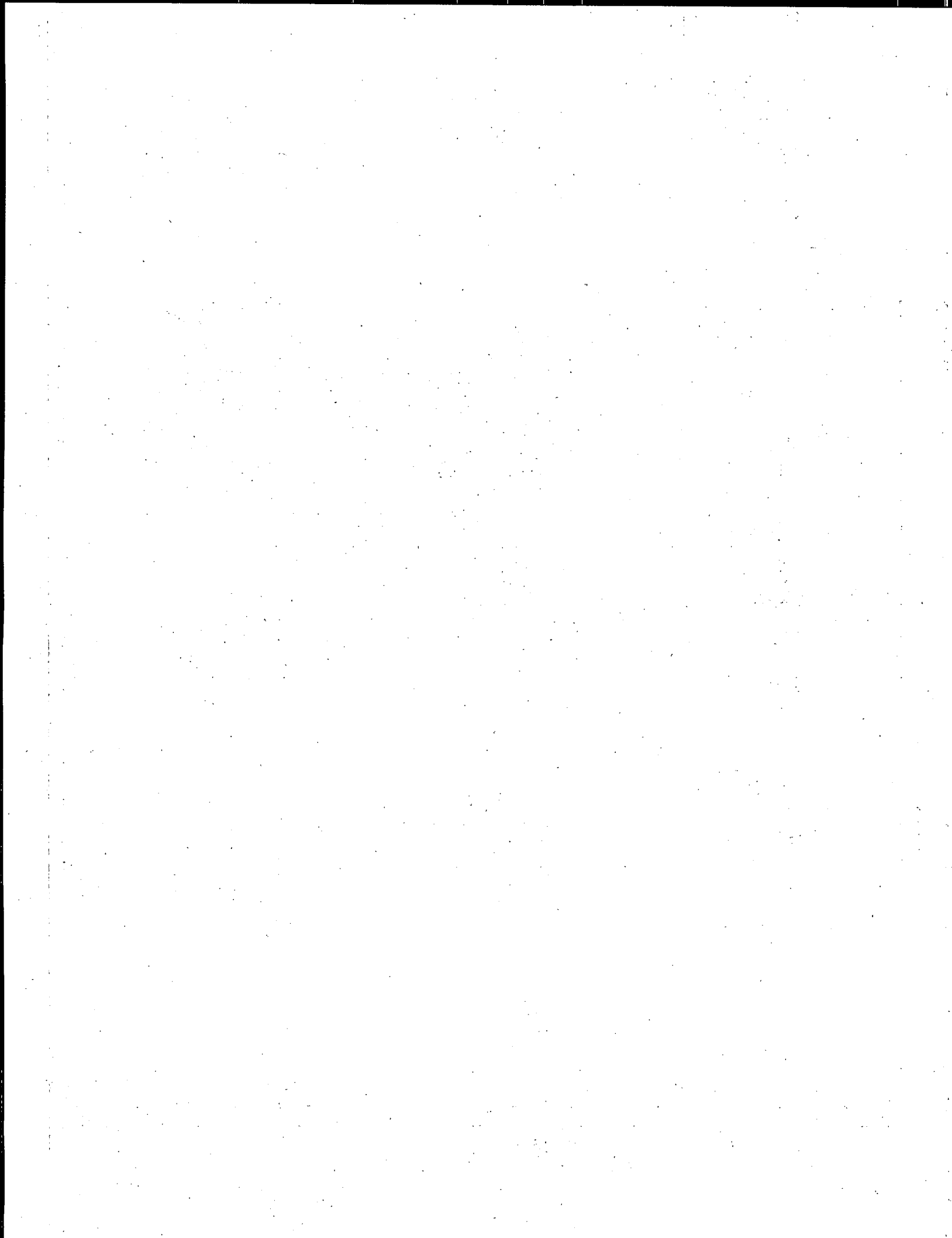
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LAND USE & ZONING MAP



2941-045

JUNE 7, 1934

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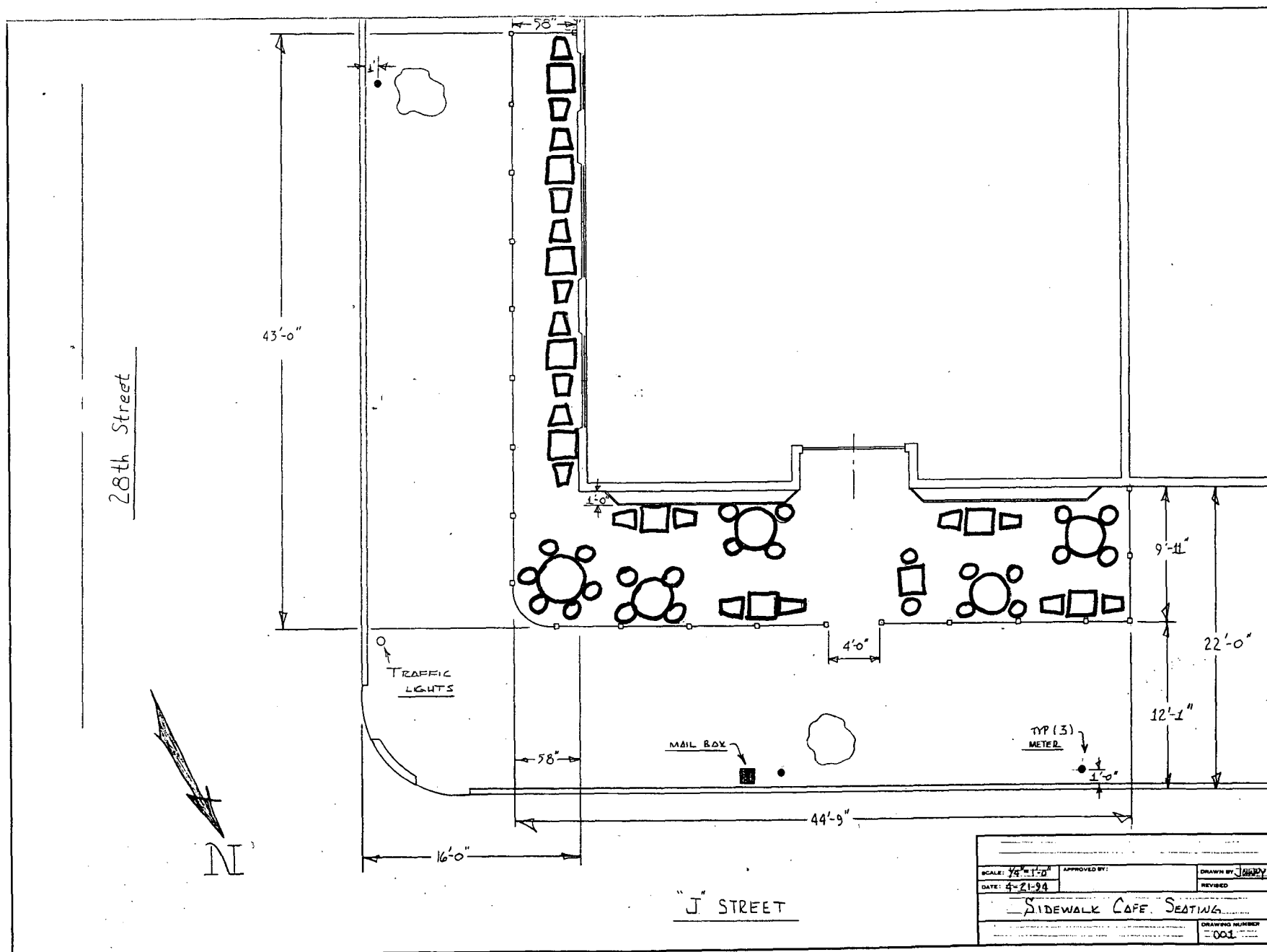


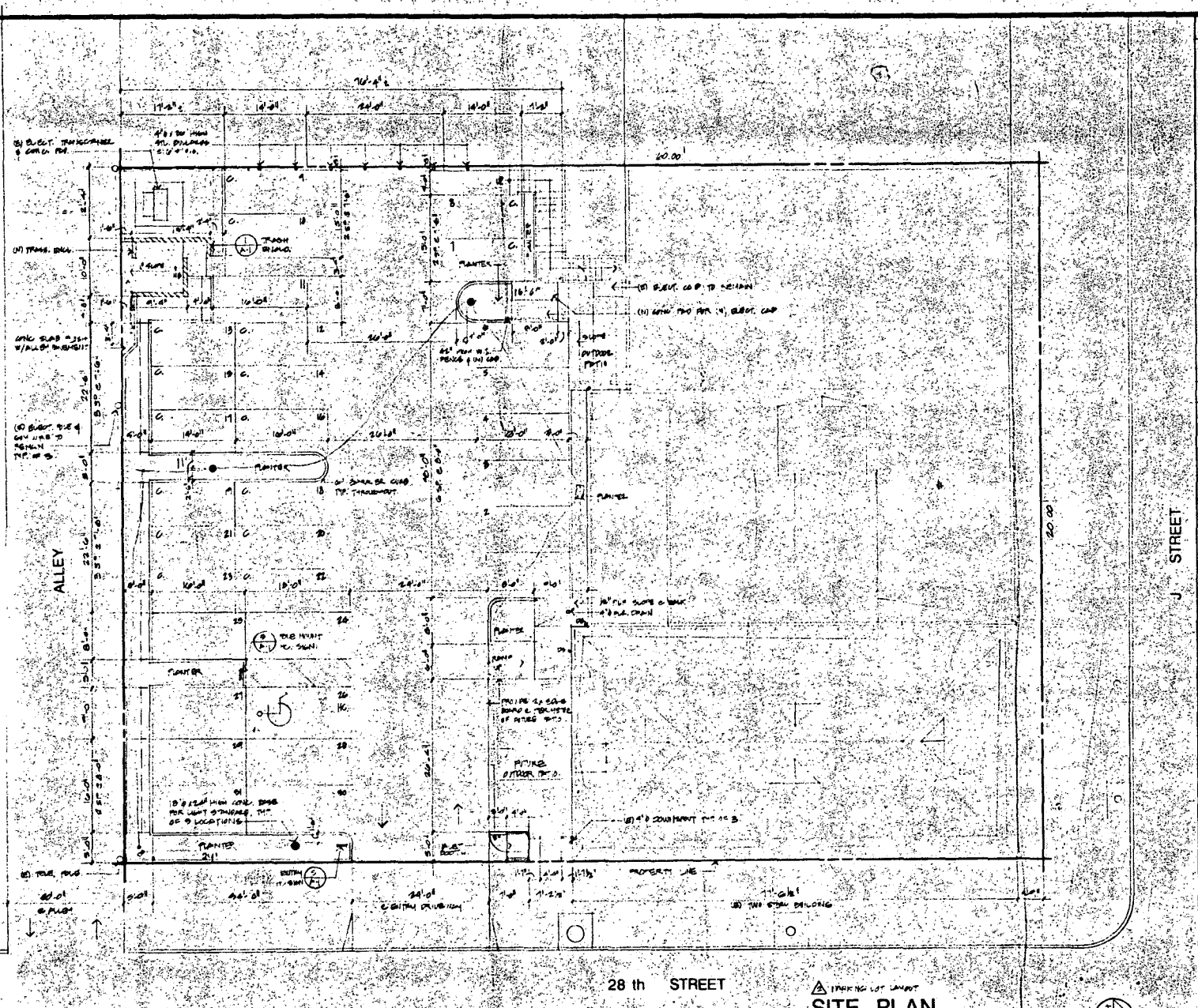
EXHIBIT - A

294-045

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ITEM 3



28th STREET
 TRUCKING LOT LAYOUT
SITE PLAN
 1/8" = 1'-0"

CONSULTANTS

- OWNER:**
 WAREHOUSE CONSULTING ENGINEERS
 6000 GUNLASS VISTA DRIVE, SUITE 5450
 DUNES HEIGHTS, CA 95610
- STRUCTURAL:**
 MARK SHUPPER & ASSOCIATES
 9094 EL CAMINO AVE.
 SACRAMENTO, CA 95821
- ELECTRICAL:**
 HAROLD B. NUTTER & SON INC.
 5430 ROSEBUD LANE
 SACRAMENTO, CA 95844
- PLUMBING:**
 L. O. BULLO, PLUMBING
 6600 - D. FRUITNOSE RD.
 SACRAMENTO, CA 95826
- MECHANICAL:**
 BERKMAN & CLARK
 2544 TESLA WAY
 SACRAMENTO, CA 95825
- FIRE SPRINKLER:**
 MARQUEE FIRE PROTECTION
 1800 TRINITY ROAD, SUITE E
 SACRAMENTO, CA 95815

architect
 roger east group
 2720 J STREET
 SACRAMENTO, CA
 95816

CONSULTANT
 REVISIONS

SHEET INDEX

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 D-3 SECOND FLOOR DEMOLITION
 D-4 ROOF DEMOLITION
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 M-2 FIRST & SECOND FLOOR, ROOF, PLUMBING DIAGRAMS
 M-3 ROOF PLAN MECHANICAL & EQUIP. REPAIR
- FP-1 SITE FIRE DATA & GENERAL NOTES
 FP-2 DEMOLITION SPRINKLER LAYOUT
 FP-3 FIRST FLOOR SPRINKLER LAYOUT
 FP-4 SECOND FLOOR SPRINKLER LAYOUT
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 L-2 PLANTING PLAN
 L-3 SHADING STUDY & CALCULATIONS

EXHIBIT - B

MENDOZA BUILDING
 2730 J STREET
 SACRAMENTO, CA 95816

PROJECT SUMMARY

APN: 001-010-007-000, 009 & 010
 ZONING: C-2 COMMERCIAL
 APPR: 1991 UDC

CONSTRUCTION TYPE: III - SPRINKLED
 OCCUPANCY GROUP: A-3 RESTAURANT - 1ST FLOOR
 B-2 OFFICE - 2ND FLOOR
 B-2 STORAGE - BASEMENT

NUMBER OF STORES: TWO STORES ABOVE GROUND
 W/ EPOBMENT LEVEL BELOW

BUILDING AREA: 6,210 SF - TWO STORES
 3,150 SF - BASEMENT

PARKING PROVIDED: 81 SPACES TOTAL
 (12 CAR, 1 TR, 14 STORAGE)

FIRE CAL. RISK: 760 / 100 (S.F.A.)

10/15/93

A-0

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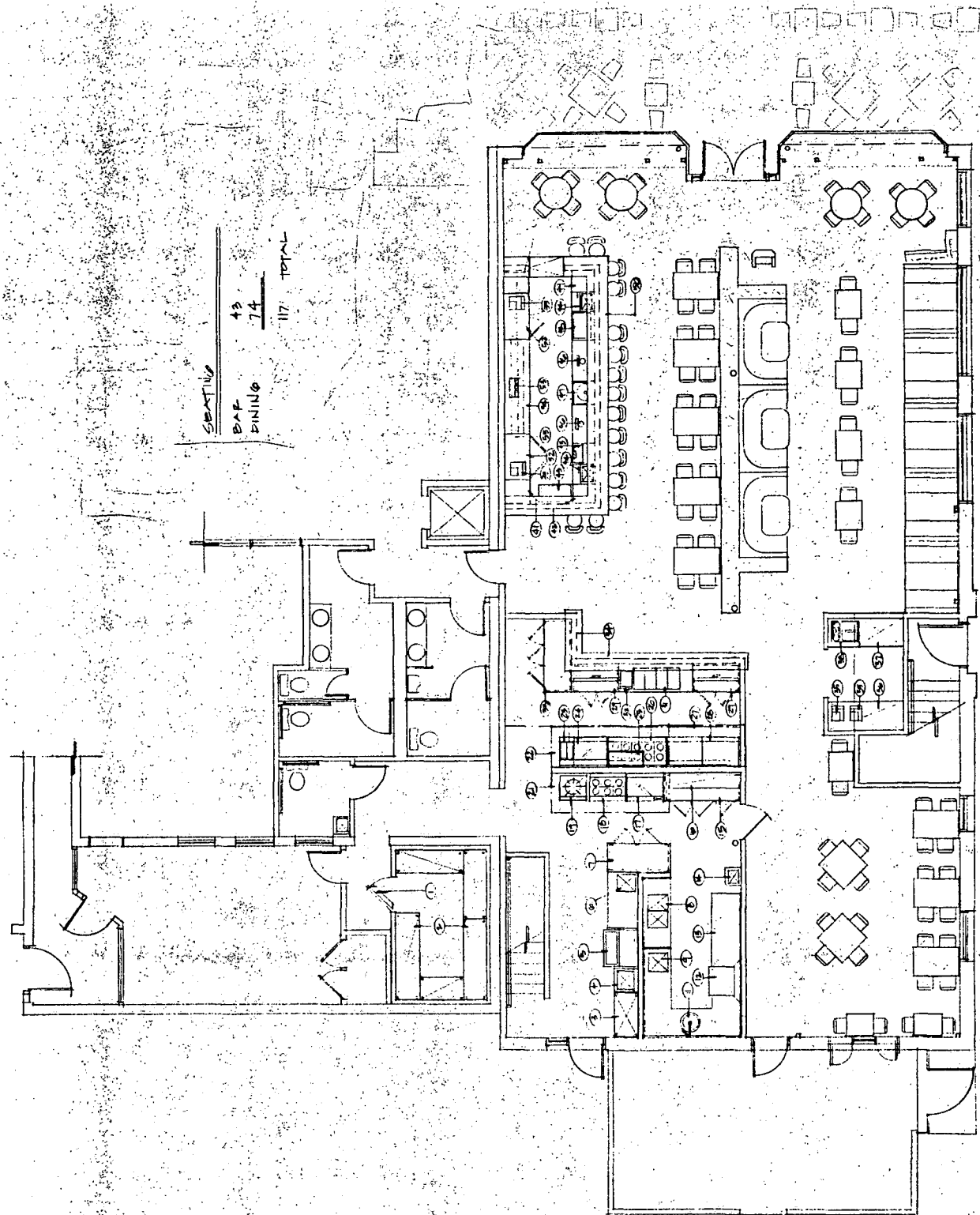
CITY OF SACRAMENTO
CITY PLANNING DIVISION

REVISIONS

EXHIBIT - C

PROJECT: EQUIPMENT RM
 CLIENT: GILCO
 DATE: 3/90
 DRAWN BY: [illegible]

DATE: 3/90
 DRAWN BY: [illegible]



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