

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

**ACTION OF THE ZONING ADMINISTRATOR**

On Tuesday, May 2, 1995, 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 Z95-023. Findings of Fact and conditions of approval for the project are listed on pages 2-4. The encroachment permit was also issued Resolution ZA95-016

**Project Information**

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

Location: 2516 J Street

Assessor's Parcel Number: 007-0103-004

Applicant: Celestin's Restaurant (Patrick Celestin)      Property: Naywah Tom  
1530 7th Avenue      Owner: 1819 E Street  
Sacramento, CA 95818      *444 2423*      Sacramento, CA 95814

General Plan Designation: Community Neighborhood Commercial and Offices  
Central City  
Community Plan Designation: General Commercial  
Existing Land Use of Site: Restaurant  
Existing Zoning of Site: General Commercial, C-2

Surrounding Land Use and Zoning:  
North: C-2; Commercial and Apartments  
South: C-2; Commercial  
East: C-2; Commercial  
West: C-2; Commercial

Property Dimensions: 40 feet x 160 feet (Sidewalk)  
Property Area: 0.15 $\pm$  acres  
Parking Required: 0  
Parking Provided: 0  
Street Improvements: Existing

Project Plans: See Exhibits A-F

Previous Files: P83-110

Background Information: On May 26, 1983, the Planning Commission approved a Variance to waive nine required parking spaces for a 48 seat restaurant. The restaurant, Celestin's, has been in continuous operation since 1983.

#### Additional Information

The applicant proposes to locate 14 seats for a restaurant on the sidewalk adjacent to the street. The outdoor seating will be located in the public right-of-way and requires a Special Permit. There will be five tables with two seats and one table with four seats. The building fronts on J Street. The proposed plans indicate the entire area will be enclosed by a decorative wrought iron fence. There are no parking requirements for outdoor seating in the public right-of-way.

The Police Department and State Alcoholic Beverage Control require that the tables and chairs for a sidewalk cafe be located adjacent to the building and enclosed with a fence if alcoholic beverages are served in the outdoor area. Staff Exhibit F indicates a design which meets ABC and accessibility requirements. It is not conducive, however, to a viable sidewalk cafe. The sidewalk cafe, therefore, will be located as indicated on Exhibit E. The applicant is aware that, unless Police and ABC requirements changes, alcohol will not be permitted in the sidewalk cafe area.

The site is located within the Central City Design Review area. The project will require City Design Review staff 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)}.

#### 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

1. The fenced area shall be modified to eliminate the opening and gate on the north side and all the fencing on the south side (see Staff Exhibit E). The non-enclosed south side adjacent to the walkway shall have a painted stripe (or other approved marking) to delineate the area that no chairs or tables shall cross.

2. The applicant shall remove the two large planters on either side of the door to provide an adequate walkway. These may be relocated into the sidewalk cafe area as long as they do not interfere with accessibility requirements.
3. The applicant shall submit a color rendering of the proposed fence design for City Design Review staff review and approval prior to the installation of the fence. The fence height shall be no lower than three feet and no higher than four feet.
4. No lights or signs shall be attached to or hung from the trees located in the sidewalk area.
5. A clear pathway a minimum of 48 inches (four feet) must be maintained at all times between the fence and stripe indicating the sidewalk cafe and the building including the attached planter boxes. The area outside of the enclosed (fenced) area shall be kept free and clear of tables and chairs.
6. The fence location shall conform to the revised plans (Exhibit E). A return on the fence is permitted if approved by City Design Review staff.
7. No live music is permitted in the sidewalk area. Amplified music or a sound system is permissible between the hours of 11:30 a.m. to 10:00 p.m.
8. 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.
9. Hours of operation of the sidewalk dining area shall be 10:00 a.m. to 10:00 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.
10. None of the furniture shall block any exit.
11. All illegal activities observed on or around the business shall be promptly reported to the police.
12. The Police Department and the State A.B.C. require 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)**

**NOTE:** No alcohol can be consumed in this sidewalk area regardless of where the alcohol was purchased.

13. 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.
14. **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.

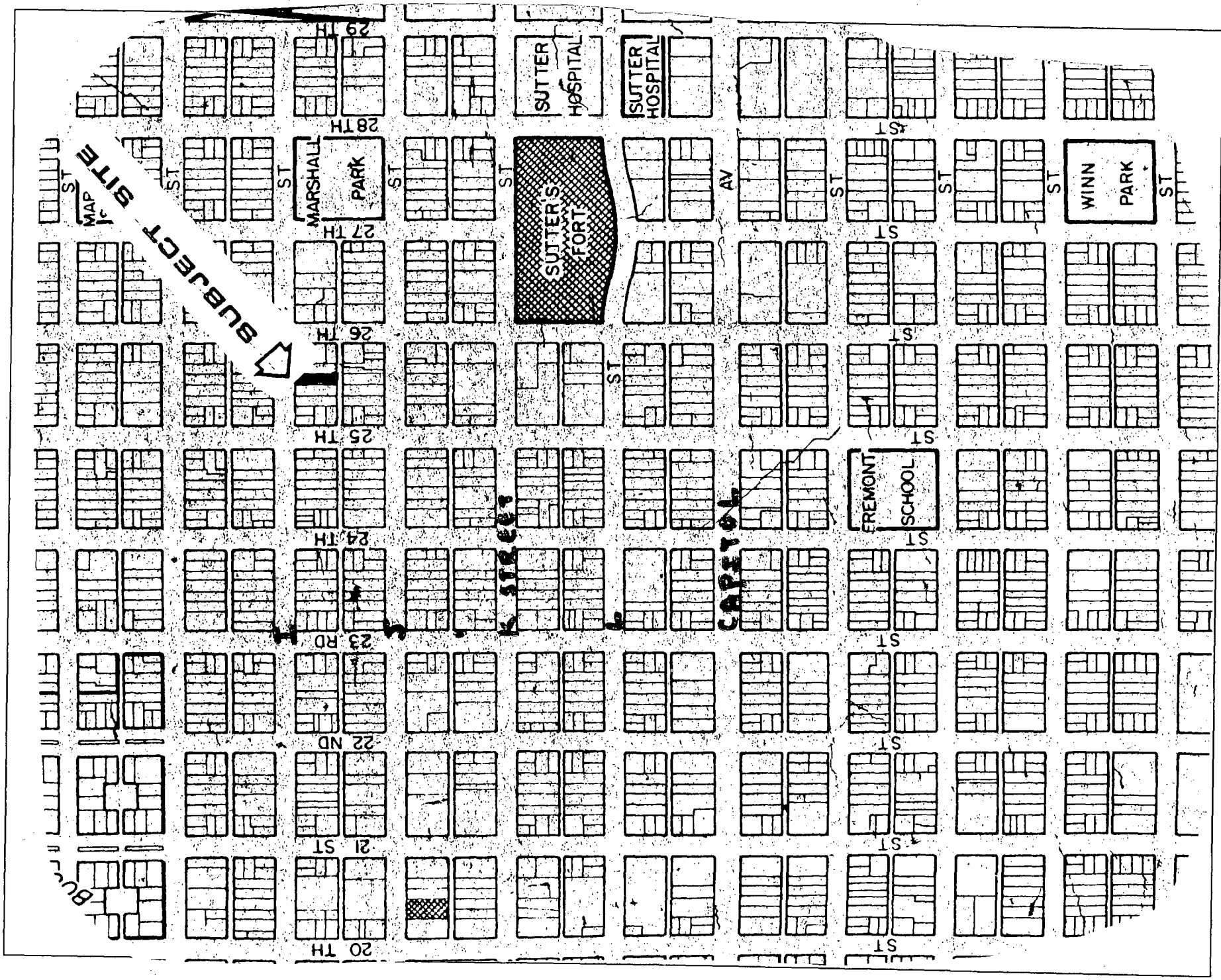


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Joy D. Patterson  
Zoning Administrator

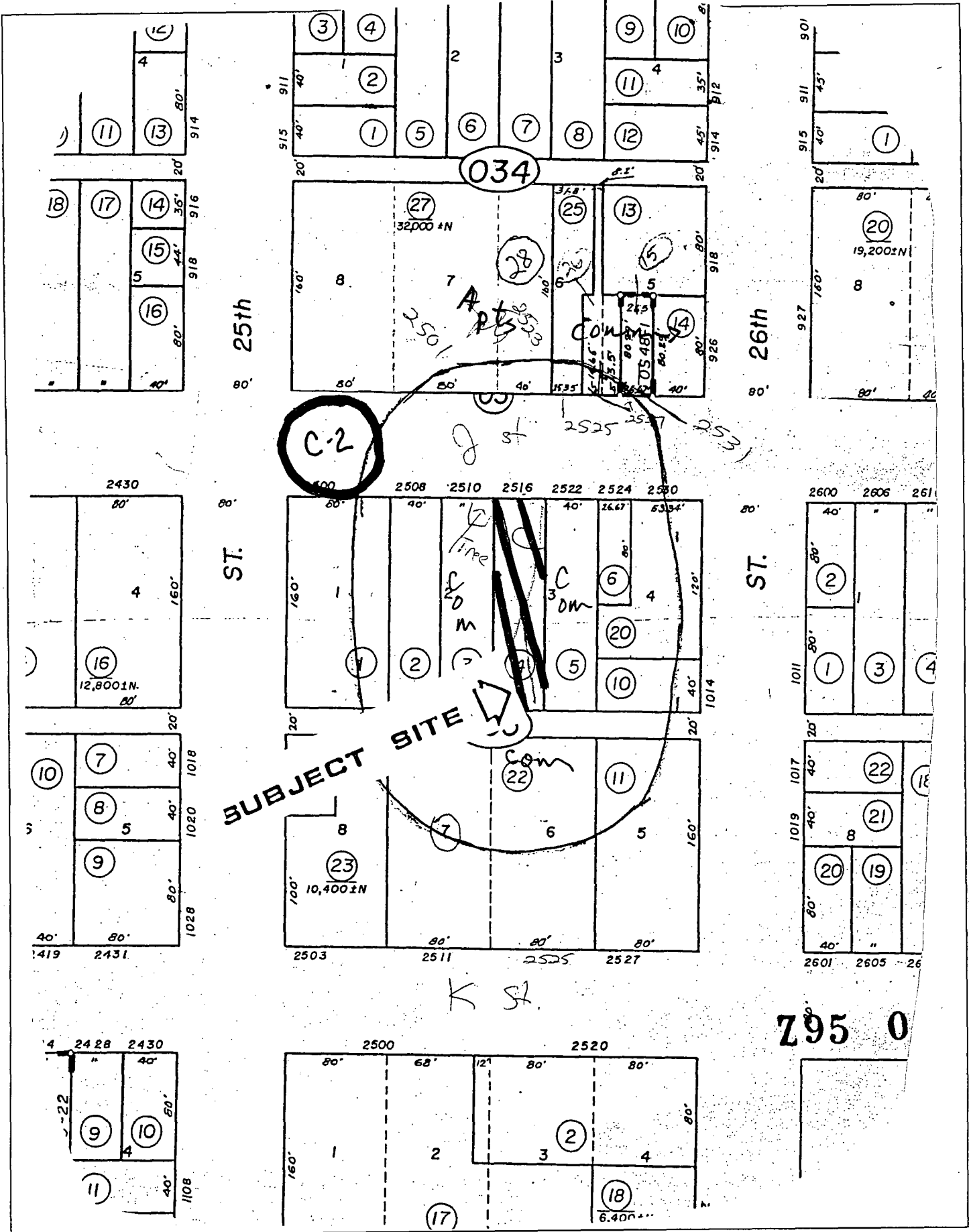
A use for which a Special Permit is granted must be established within two years after such permit is approved. If such use is not so established the Special Permit shall be deemed to have expired and shall be null and void. A Special Permit use which requires a Building Permit shall be deemed established 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 ✓  
Design Review - Luis Sanchez ✓  
ZA Resolution Book ✓  
Sidewalk Cafe Book ✓



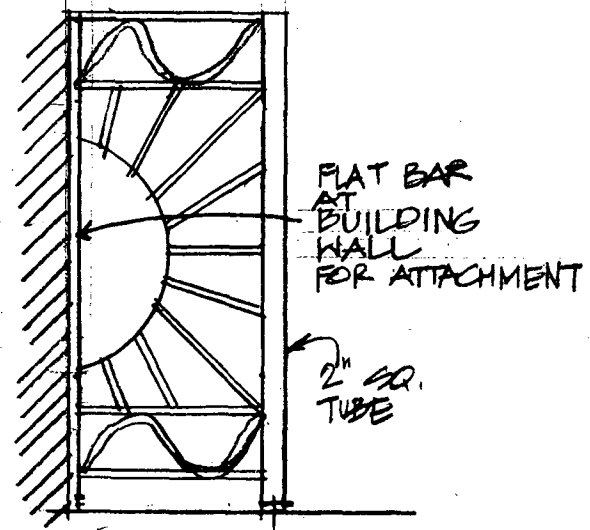
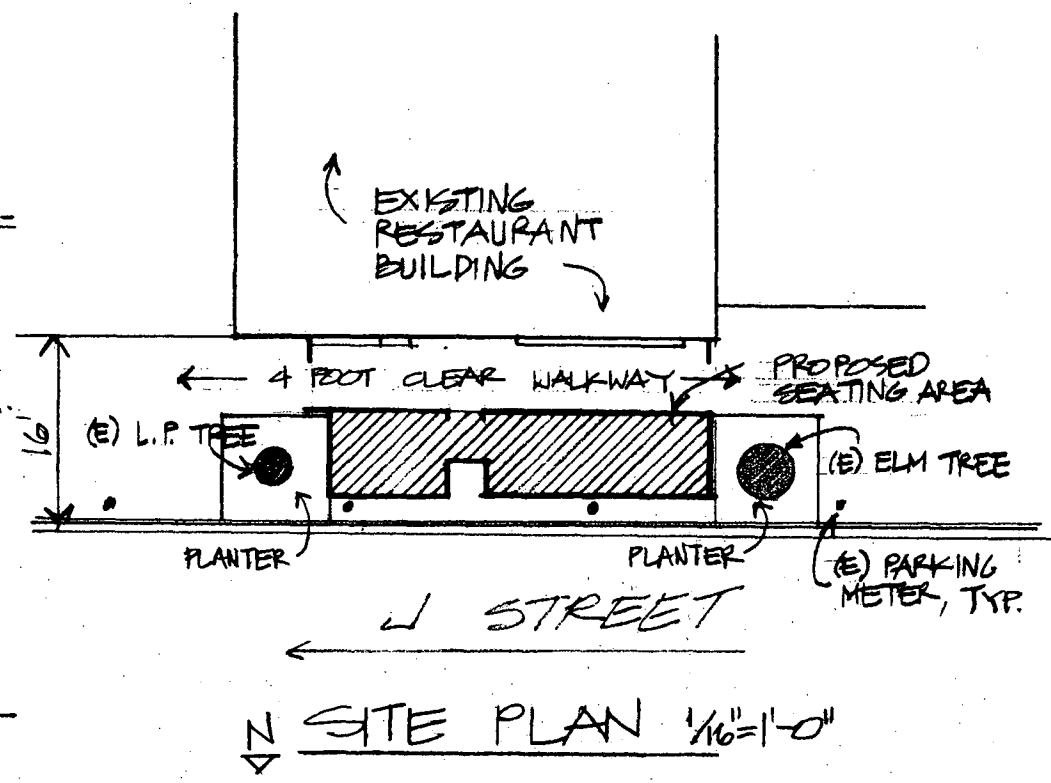
VICINITY MAP



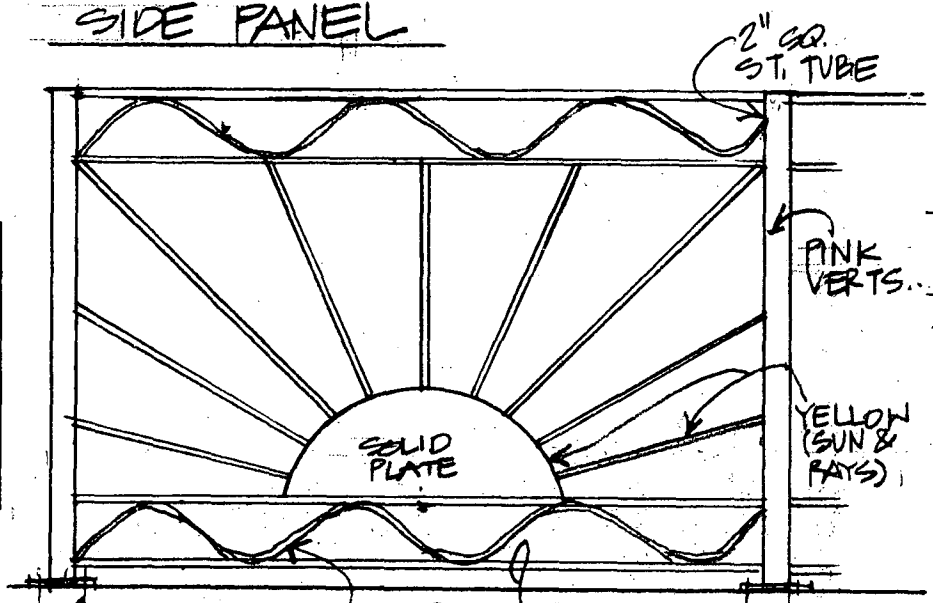
**LAND USE & ZONING MAP**

# SIDEWALK SEATING FOR CELESTIN'S

2516 J STREET, SACRAMENTO  
PLANS BY EDWARD J. COX, ARCH.



SIDE PANEL



TYPICAL FENCE PANEL

3/4" = 1'-0"

EXHIBIT A



Edward J. Cox  
2118 E Street  
Sacramento, CA 95816



EXHIBIT - B

NOTES

1. CONCRETE SIDEWALK EXISTS, NO CHANGE IN PAVING PROPOSED
2. 3'-0" GATE SHALL HAVE CLOSER & PANIC HARDWARE, SWINGS AS SHOWN.
3. MAINTAIN 42" HEIGHT ABOVE GRADE FOR NEW RAIL.
4. PER UBC 3315.6.2 AISLES SHALL BE 36" WIDE MINIMUM

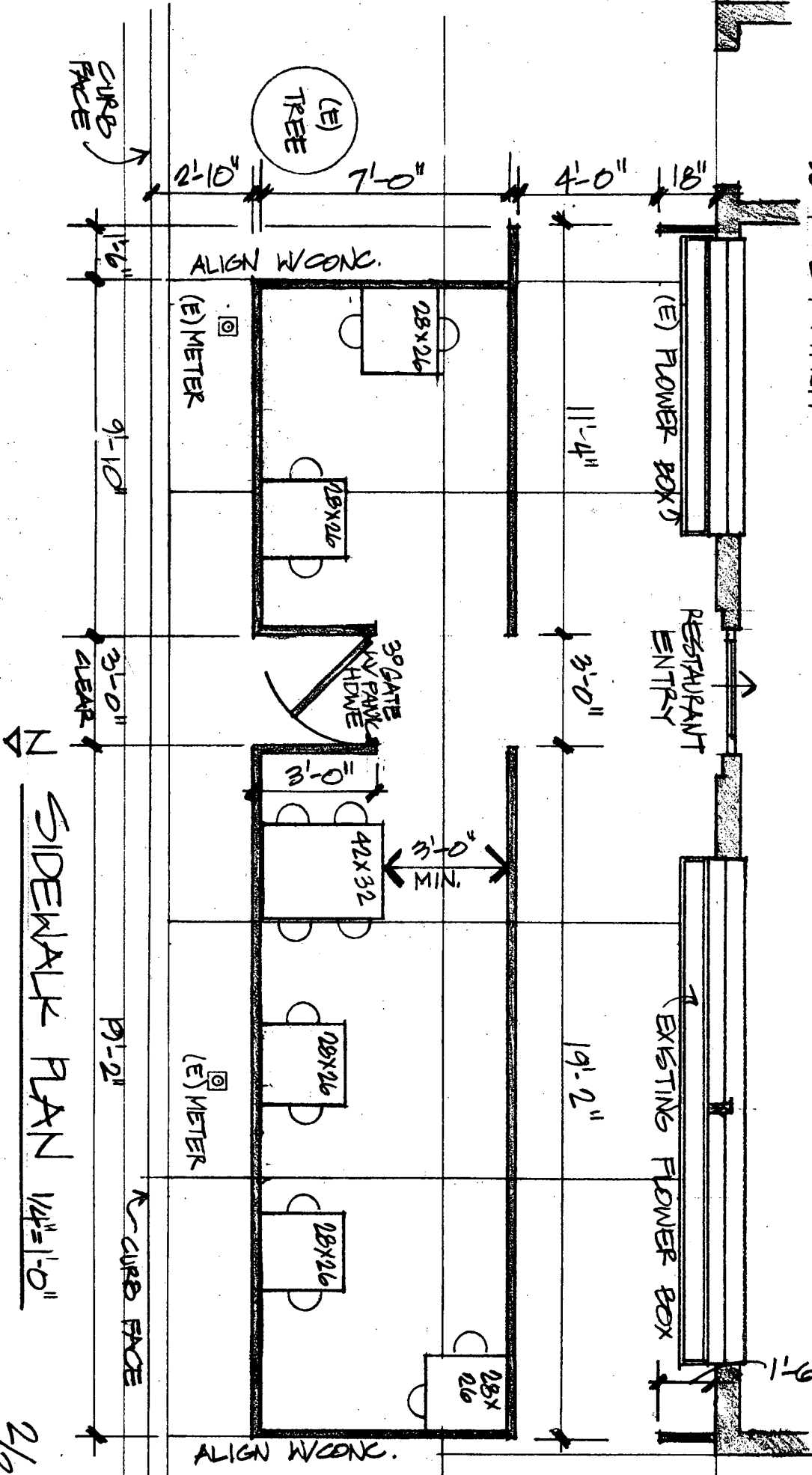
SIDEWALK SEATING

FOR

CELESTINIS

2516 J STREET, SACRAMENTO  
 PLANS BY EDWARD J. COX, ARCH.

ITEM 3



SIDEWALK PLAN 1/4"=1'-0"

2/13

295-023

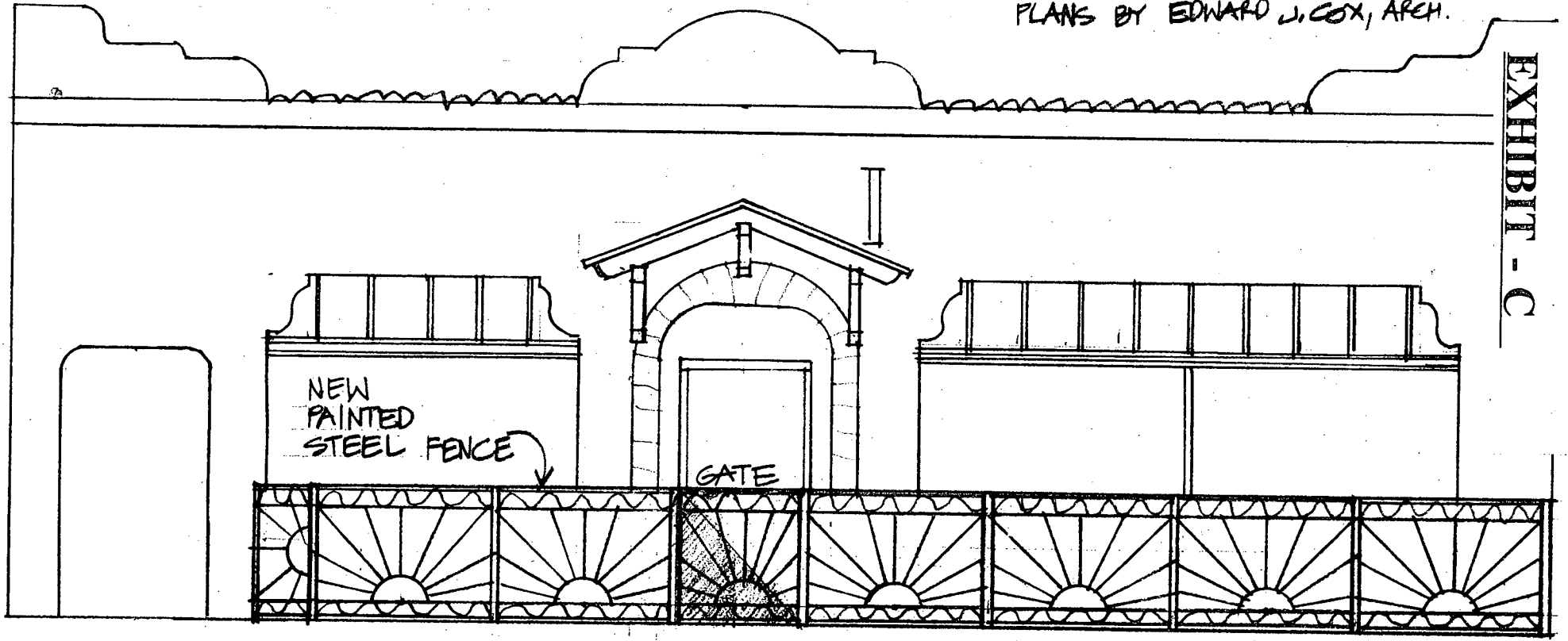
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295-023

# SIDEWALK SEATING FOR CELESTIN'S

2516 J STREET, SACRAMENTO  
PLANS BY EDWARD J. COX, ARCH.

EXHIBIT - C



FRONT ELEVATION

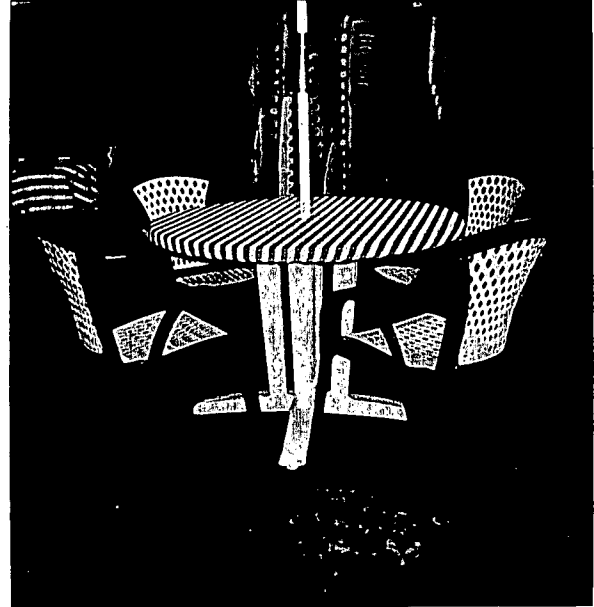
1/4" = 1'-0"

MAY 2, 1945

ITEM 3

EXHIBIT D

Proposed Tables & Chairs



**NOTES**

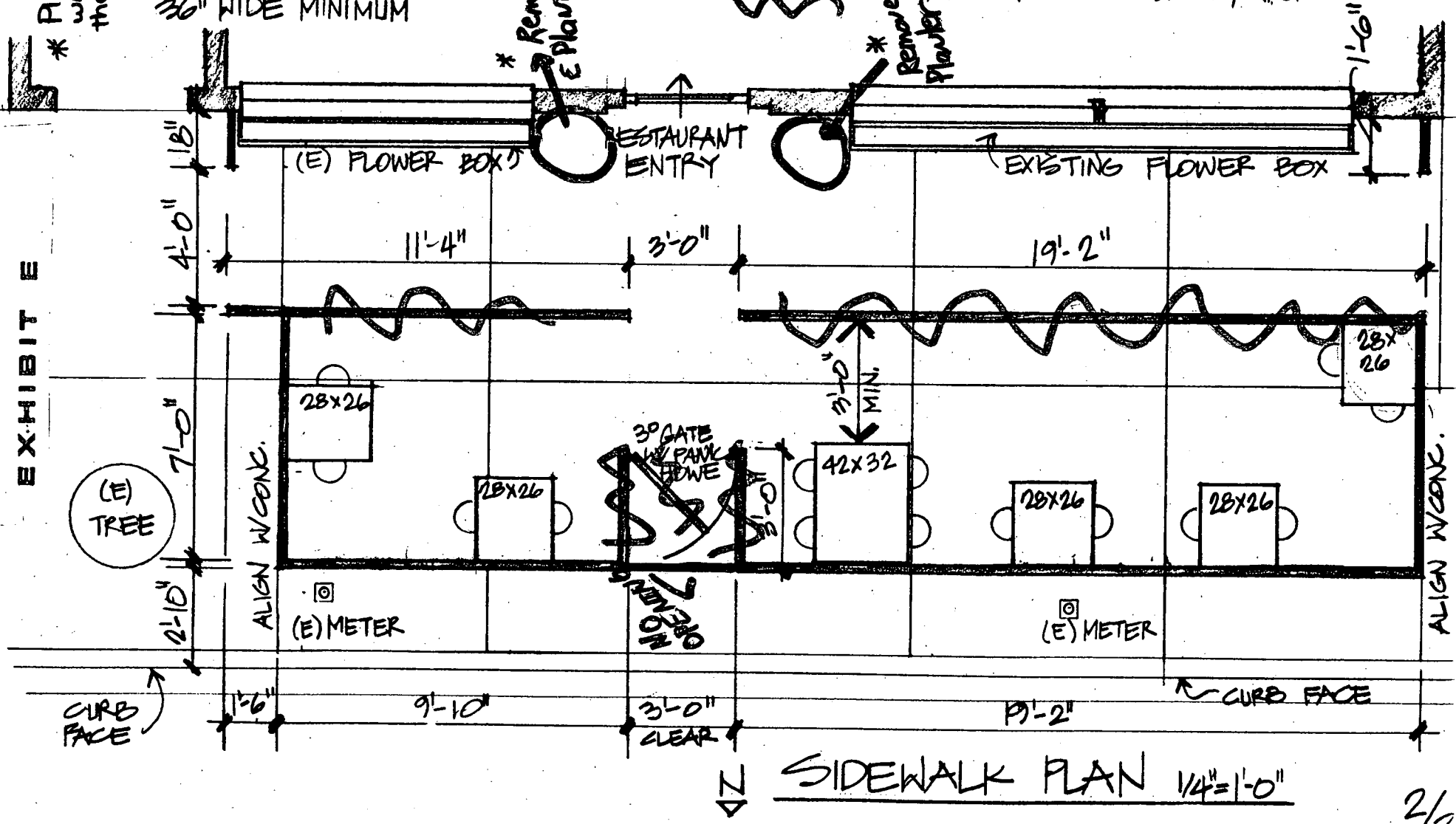
\* Planters may be placed within cafe area if they do not interfere with access

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Fence To BE Eliminated  
 SIDEWALK SEATING FOR CELESTIN'S  
 2516 J STREET, SACRAMENTO  
 PLANS BY EDWARD J. COX, ARCH.

STAFF

EXHIBIT E



SIDEWALK PLAN 1/4" = 1'-0"

ITEM 3

MAY 2, 1995

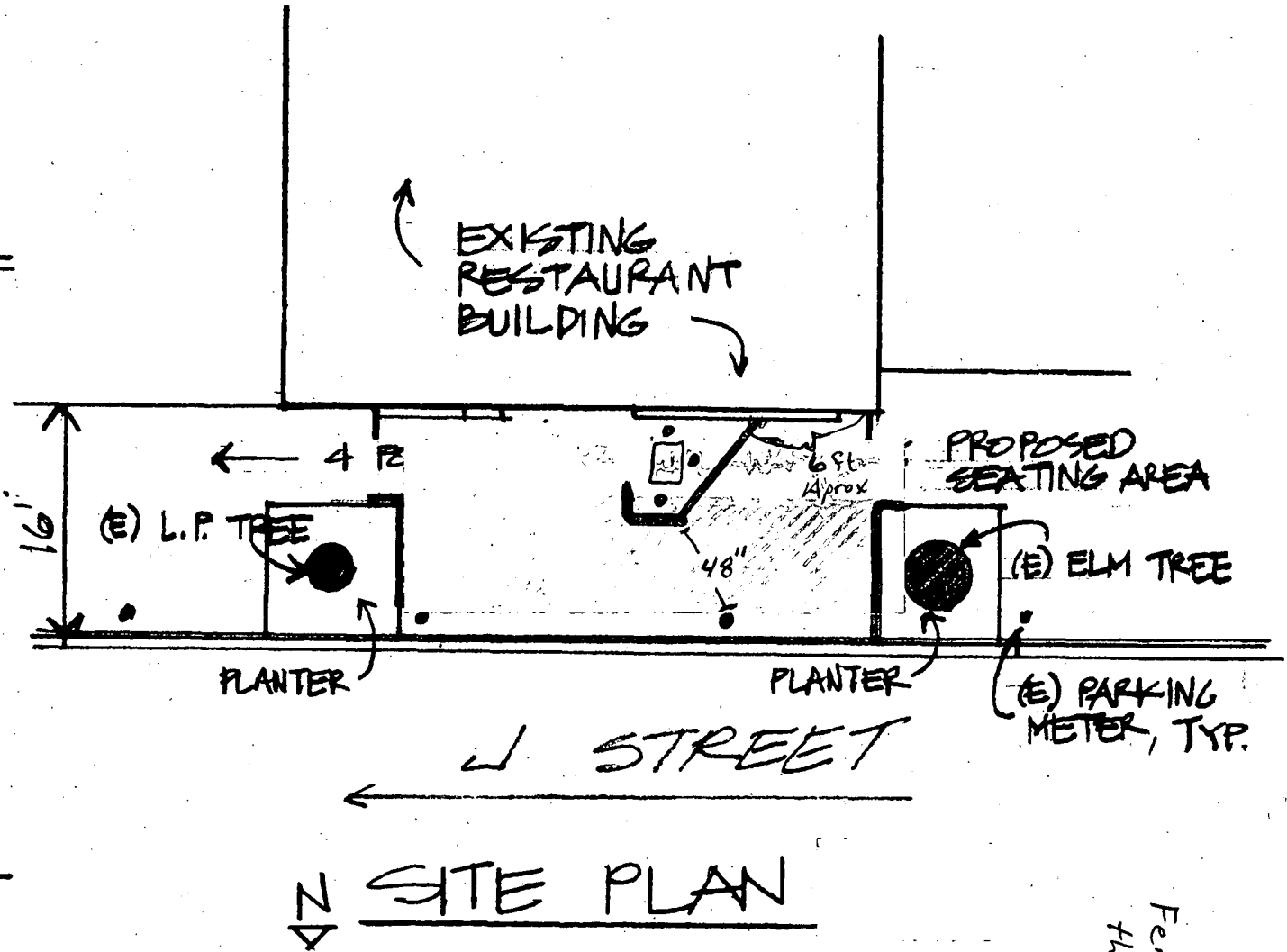
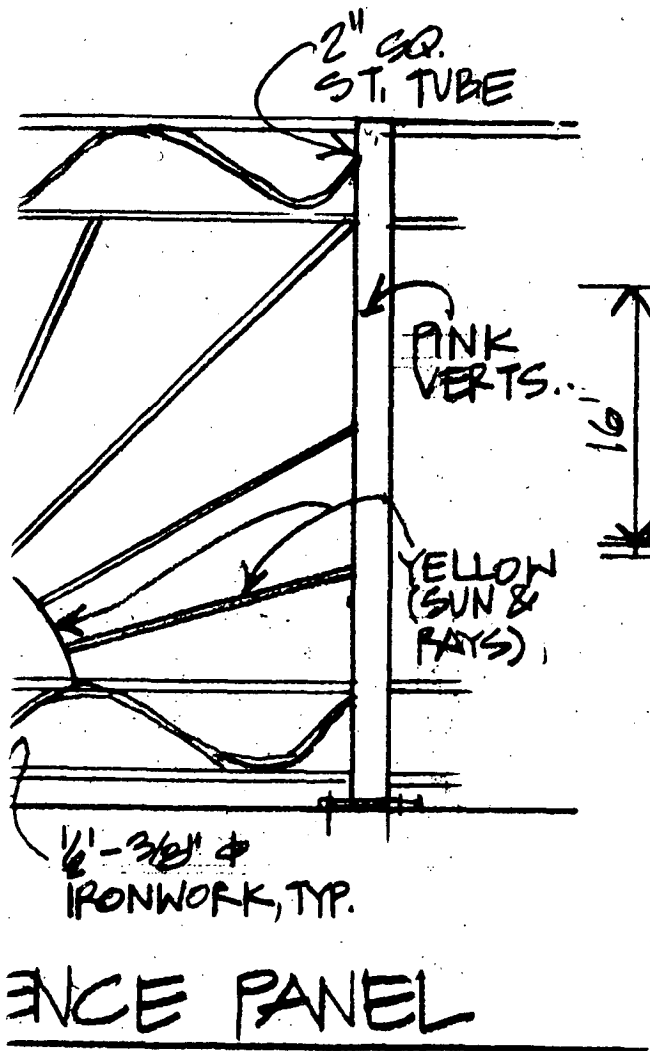
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MAY 2, 1995

ITEM 3



Fence Against the Building



Edward J. Cox  
 2118 E Street  
 Sacramento, CA 95818

1/3

STAFF EXHIBIT F