



OFFICE OF THE
CITY MANAGER

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CALIFORNIA

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April 14, 1993

Law and Legislation Committee
of the City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: ORDINANCE AUTHORIZING THE DIRECTOR OF PLANNING AND
DEVELOPMENT TO ISSUE REVOCABLE PERMITS FOR OUTDOOR
SIDEWALK CAFÉS.**

LOCATION/COUNCIL DISTRICT

City Wide. All Council districts.

RECOMMENDATION

Staff recommends the Law and Legislation Committee request Council enactment of the attached ordinance to shift the authority for granting revocable permits for outdoor sidewalk cafés from the Director of Public Works to the Director of Planning and Development or designee.

CONTACT PERSON

Gary L. Little
Citizens Assistance Officer
264-5704

FOR COMMITTEE MEETING OF:

May 18, 1993

SUMMARY

Under the existing Sacramento City Codes and Zoning Ordinances, applications for an encroachment permit for an outdoor sidewalk cafe to be located in a C-3 zone are filed with the Department of Planning and Development. Encroachment permit applications for sidewalk cafes in areas outside the C-3 zone are filed with the Department of Public Works.

This ordinance would have all encroachment permits for outdoor sidewalk cafes be approved and issued by the Director of Planning and Development or designee.

BACKGROUND

At the request of Council members and in response to citizen concerns, staff have been addressing several issues relative to the rules governing outdoor sidewalk cafes. City Manager's staff have worked with representatives from Public Works, Planning, Attorney's Office and the Mayor/Council Office on sidewalk cafe issues. In particular, staff have evaluated the regulations, processes and enforcement issues in order to determine if outdoor sidewalk cafes are adequately regulated to minimize negative impacts on adjacent residents and businesses. (Note: Staff is recommending additional changes to the zoning ordinance to clarify requirements for sidewalk cafes. This will be presented to the Council in a separate staff report.)

Staff recommends adding a new section to Chapter 12 of the Sacramento City Code to simplify the issuance of revocable permits for sidewalk cafes. This ordinance would remove from Public Works the processing of encroachment permits for sidewalk cafes outside the C-3 zone. The Director of Planning and Development would be given authority to issue an encroachment permit for all sidewalk cafes in the City. Consolidating the process in the Planning and Development department creates a "one stop shop" for the applicant, and is in keeping with the goals of the City to become more user friendly.

Although the Director of Planning and Development would issue the revocable permit if this ordinance is approved, applications would continue to be routed to Public Works staff and others for comments.

FINANCIAL CONSIDERATIONS

Changing the authorization for issuing revocable encroachment permits will have minimal financial impact on the City or its departments.

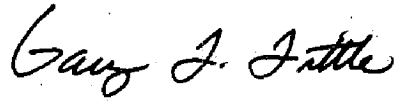
POLICY CONSIDERATIONS

There are two key policy issues: 1) Should the City Council delegate its authority to approve the issuance of revocable encroachment permits for sidewalk cafes to staff? 2) Is it better to have the Director of Planning and Development issue all revocable permits for outdoor sidewalk cafes rather than the current limited basis? Staff believes the answer to both policy questions suggest the encroachment permit process should be changed as outlined in this report.

MBE/WBE

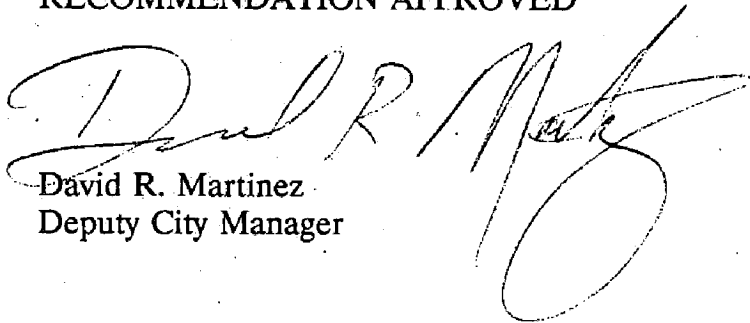
Not applicable. No goods or services are being purchased at this time.

Respectfully submitted,



Gary L. Little
Citizens Assistance Officer

RECOMMENDATION APPROVED



David R. Martinez
Deputy City Manager

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE ADDING SECTION 12.04.121 TO CHAPTER 12 OF THE SACRAMENTO CITY CODE RELATING TO THE ISSUANCE OF REVOCABLE PERMITS FOR OUTDOOR SIDEWALK CAFÉS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

The following section is added to chapter 12 of the Sacramento City Code to read as follows:

§12.04.121 Director of Planning and Development or Designee is hereby granted authority to issue Revocable Permits for Outdoor Sidewalk Cafés.

The Director of Planning and Development or designee, may review applications for and approve or conditionally approve revocable permits for Outdoor Sidewalk Cafés.

Date Passed for Publication: _____

Date Enacted: _____

Date Effective: _____

MAYOR

CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____