

## ORDINANCE NO. 2010-032

Adopted by the Sacramento City Council

October 12, 2010

### AN ORDINANCE AMENDING SECTION 3.76.040 OF TITLE 3 AND SECTIONS 17.16.010 AND 17.24.050 OF TITLE 17 (THE ZONING CODE) OF THE SACRAMENTO CITY CODE RELATING TO SIDEWALK CAFES (M09-034)

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

Section 1. Section 3.76.040 of Title 3 of the Sacramento City Code is amended to read as follows:

- 3.76.040 Sidewalk café revocable encroachment permits.
- A. Sidewalk cafes are permitted on a city sidewalk, alley, or pedestrian mall located in the public right-of-way, in the zones indicated in section 17.24.030, subject to issuance of a sidewalk café revocable encroachment permit under this section and compliance with the application, development, and operational requirements of this section.
  - B. Applications for a sidewalk café revocable encroachment permit shall be made to the city manager or designee. A completed sidewalk cafe revocable encroachment permit application must be accompanied by two sets of plans drawn to scale, consisting of site (plot) plan and elevation drawings of proposed outdoor dining facilities. The site plan must show the location of tables, chairs, accessory service facilities, perimeter barrier element, and any fixed elements on the sidewalk/alley/mall within a twenty-five (25) foot radius around the sidewalk cafe area. Fixed elements include, but are not limited to, light and sign poles, trees/landscape strips, traffic signal poles, parking meters, raised planter curbs, tree-wells, flower pots, and waste containers. Plans must include the dimension of the clear zone, as defined in subsection E of this section, from outer perimeter of the sidewalk cafe fixture to nearest sidewalk fixtures. Elevation plans must show front and side view of sidewalk dining facilities, including all proposed above-grade improvements such as planter boxes, awnings, tables, and chairs.
  - C. A sidewalk café may be established only in conjunction with an adjacent restaurant use.
  - D. Sidewalk cafes shall not obstruct pedestrian traffic, accessibility to vehicles parked adjacent to the curb, or create public health or safety hazards.

- E. A minimum four foot clear zone outside the CBD Special Planning District and a minimum six foot clear zone inside the CBD Special Planning District are required between the outside edge of any sidewalk cafe fixture and any fixed element within the sidewalk/alley/pedestrian mall right-of-way. Fixed elements include, but are not limited to, light and sign poles, trees/landscape strips, traffic signal poles, parking meters, raised planter curbs, tree-wells, flower pots, and waste containers. "Clear zone" means a paved pedestrian area that is maintained free of all obstructions.
- F. The sidewalk café revocable encroachment permit holder solely shall be responsible for compliance with all federal and state laws relating to disabled access in the operation of a sidewalk cafe and in maintaining the clear zone required by subsection E of this section free of obstructions.
- G. No parking shall be required for sidewalk cafes permitted under this section.
- H. Sidewalk cafes shall be used only as seating areas. Storage, kitchen, or restroom uses are not allowed. Tables and/or chairs must be movable unless otherwise approved by the city manager or designee.
- I. Placement of tables and/or chairs shall be limited to the public right-of-way frontage adjacent to the associated restaurant use as determined by the city manager or designee.
- J. Service and consumption of alcoholic beverages in a sidewalk cafe shall comply with Chapter 9.04 of this code.
- K. A decorative element separating sidewalk cafe seating area from adjacent pedestrian traffic must be provided. The design and materials of such element must complement and be compatible to the architectural design of the restaurant building facade or of a design that adds visual interest to the streetscape.
- L. Sidewalk cafes may be uncovered, partially covered, or fully covered by means of umbrellas, awnings or canopies. Awning or canopy material covering a sidewalk cafe shall be temporary or retractable and may extend into the public right of way from the face of the building up to the maximum clear zone dimension of six feet. Width and height of awnings and canopies shall meet applicable building code requirements. Awnings, canopies and umbrellas must be made of fire-treated or nonflammable materials.
- M. Decorative/accent lighting may be incorporated into the sidewalk cafe awning or canopy and shall meet all city code requirements.
- N. Upon approval by the city manager or designee, the applicant shall obtain all required building/electrical permits prior to construction.

- O. The permit issued under this section approving the sidewalk cafe and designating the allowed number of tables and/or chairs shall be displayed in a prominent location easily accessible to the public.

Section 2. Section 17.16.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

- A. Section 17.16.010 is amended by amending the definition of "Sidewalk" to read as follows:

"Sidewalk café" means a portion of a city sidewalk, alley, or pedestrian mall located in the public right-of-way immediately adjacent to an existing restaurant, where food and drink are served and consumed as an extension of and in conjunction with the adjacent restaurant. In reference to sidewalk cafes, a "sidewalk" includes all of the space between the property line and the outside curb line, whether used for pedestrian purposes, park purposes, or otherwise.

- B. Except as specifically amended by the provisions of Subsection A, above, Section 17.16.010 remains unchanged and in full force and effect.

Section 3. Section 17.24.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

- A. Footnote 55 of Section 17.24.050 is amended to read as follows:

55. Sidewalk cafes are permitted in this zone on any city sidewalk, alley, or pedestrian mall located in the public right-of-way, subject to the issuance of a sidewalk café revocable encroachment permit by the city manager or designee under section 3.76.040 of this code. Sidewalk cafes shall comply with the development standards stated in section 3.76.040. No parking shall be required for sidewalk cafes permitted under this section and section 3.76.040.

- B. Except as specifically amended by the amendment to footnote 55, Section 17.24.050 remains unchanged and in full force and effect.

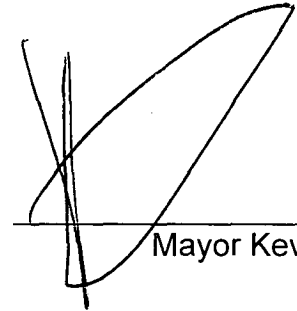
Adopted by the City of Sacramento City Council on October 12, 2010 by the following vote:

Ayes: Councilmembers Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: Councilmember Cohn.



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Mayor Kevin Johnson

Attest:

  
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Shirley Concolino, City Clerk

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