

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

ACTION OF THE ZONING ADMINISTRATOR

On Tuesday, February 28, 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 Z95-003. 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, Neighborhood Corridor Overlay (C-2)(NC) zone.

Location: 1901 16th Street

Assessor's Parcel Number: 009-0094-004

Applicant: Ron Vrillakas (For Ernesto's)
1714 18th Street
Sacramento, CA 95814

Property Owner: Ernesto Jiminez
1901 16th Street
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)(NC)

Surrounding Land Use and Zoning:

North: C-4; Commercial
South: C-2(NC); Commercial
East: R-3A; Residential
West: C-2(NC); Commercial

Property Dimensions: 80 feet x 40 feet (Sidewalk)
Property Area: 0.07± acres
Parking Required: 0
Parking Provided: 0
Topography: Flat
Street Improvements: Existing
Utilities: Existing

Project Plans: See Exhibits A-D

Previous Files: DR94-305

Additional Information: The applicant proposes to locate 40 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 five tables with four seats and ten tables with two seats. The building is on the corner of 16th and S Streets and the proposed seating will be located along S Street. The area will be enclosed with a 3.5 foot 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 project is located close to an office complex (Benvenuti Plaza) and in a mixed use area. From the site visit it appears that many patrons of the restaurant walk to the restaurant at lunch time.

The site is located within the Central City Design Review area.

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 conform to submitted plans.
2. The proposed gates shall be equipped with panic hardware. An area 36 inches minimum in length and the width of the gate shall be delineated with either color strips or color paving to indicate an area not to be obstructed. One gate may be eliminated at the discretion of the applicant.
3. The existing curb cut will be removed and replaced with sidewalk to the satisfaction of the Public Works Department. The empty tree wells shall also be replaced with sidewalk.
4. No lights or signs shall be attached to or hung from the trees located in the sidewalk area.
5. The relocated street tree wells shall be six feet wide or to the satisfaction of Tree Services. The fenced area shall be relocated as necessary to maintain a four foot wide clear zone of

sidewalk area. The applicant shall construct a barrier around the tree wells on the north side a minimum of 27 inches high (fence or planter) to meet the ADA requirements (see Exhibit D) {Sal Kaddorah: 264-5209}. The proposed barrier shall be reviewed and approved by the City Arborist (Dan Pskowski: 264-6345) prior to installation.

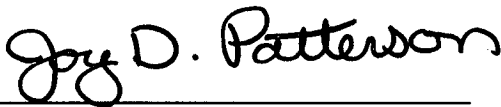
6. The fence location shall conform to the submitted plans.
7. No live music, amplified music or sound system shall be installed or be audible in the sidewalk area.
8. Restaurant windows shall be left unobstructed to all viewing of the interior of the business by patrolling police and so that the outdoor 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 11:00 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. 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.
13. The sidewalk cafe shall receive the review and approval of Design Review staff prior to operation of the outdoor seating area (DR 94-305).
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 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.

16. 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.

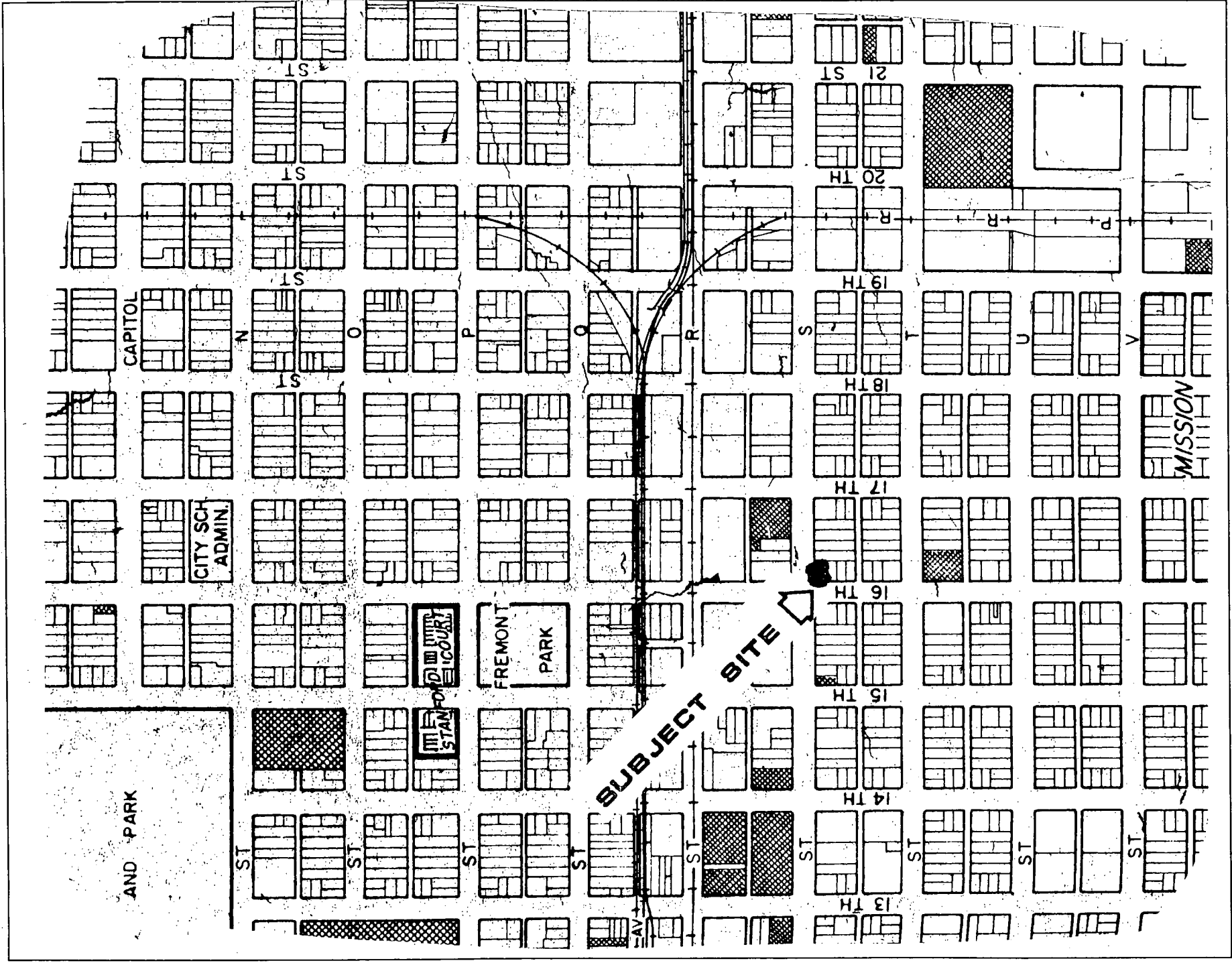


Joy D. Patterson
Zoning Administrator

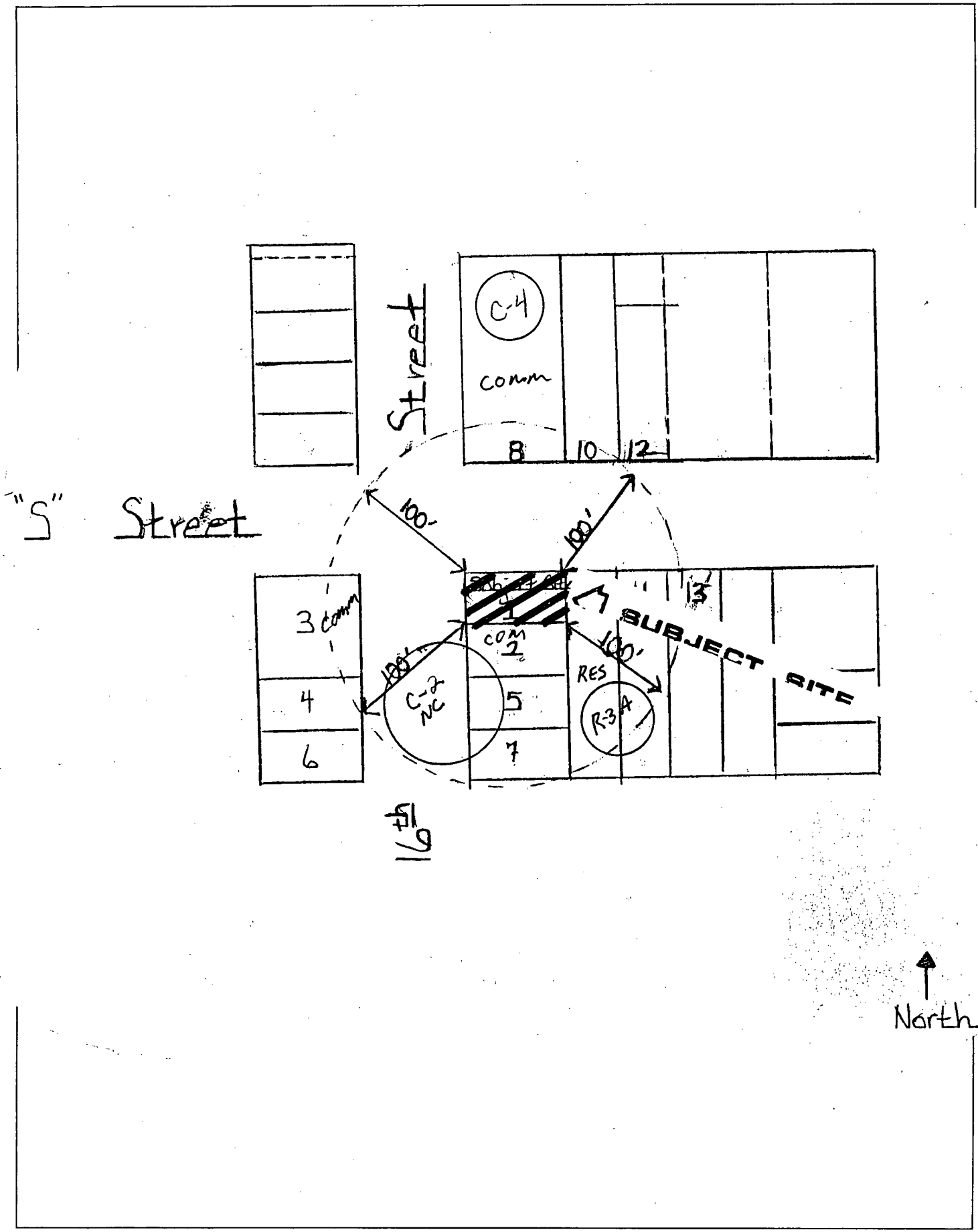
A use for which a Special Permit is granted must be established within two years after such permit is approved. If such use is not so established the Special Permit shall be deemed to have expired and shall be null and void. A Special Permit use which requires a Building Permit shall be deemed established 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
Police Department- Lynne Ohlson (Mail Code 2121)
Design Review- Randy Lum

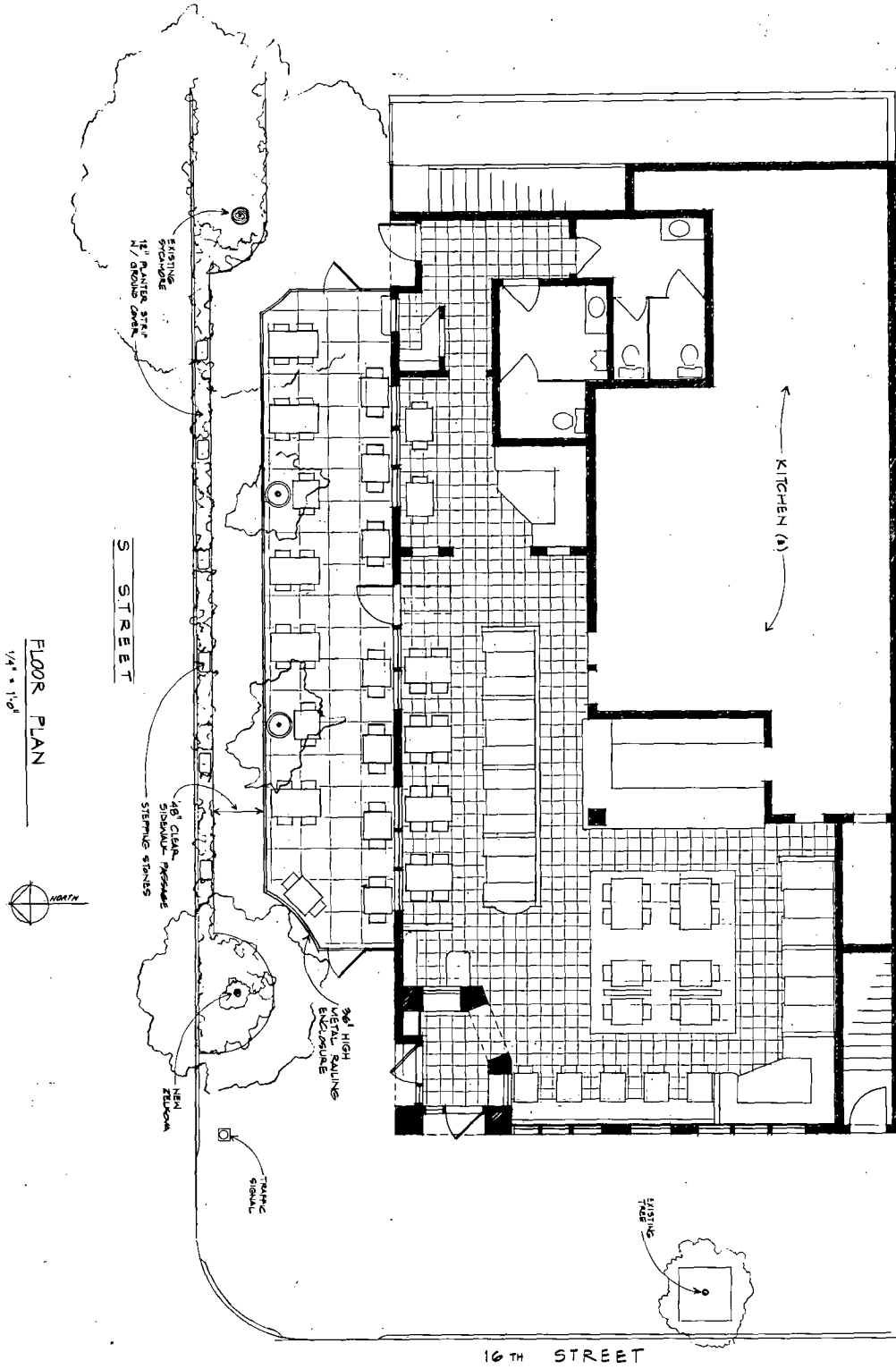


VICINITY MAP



LAND USE & ZONING MAP

EXHIBIT A

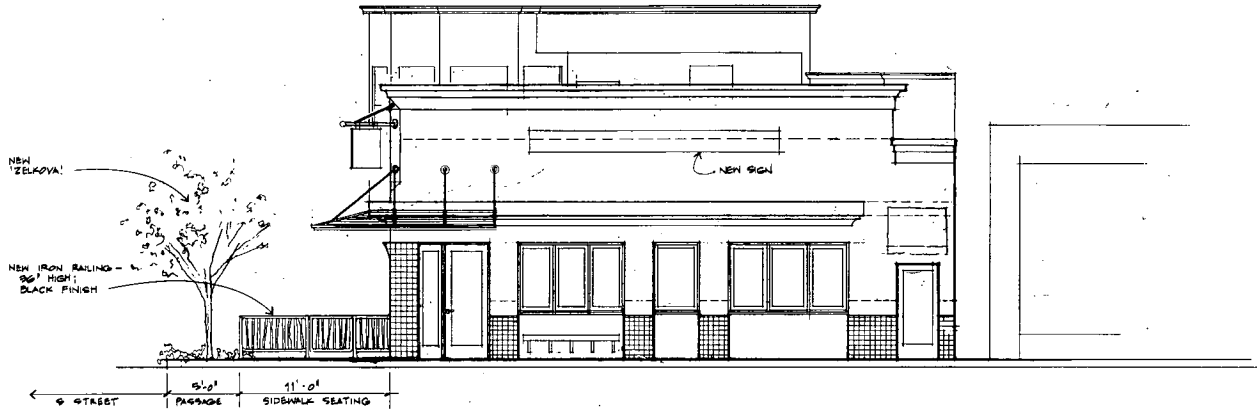


Ernesto's Mexican Restaurant
16th & S Streets Sacramento, CA 95814

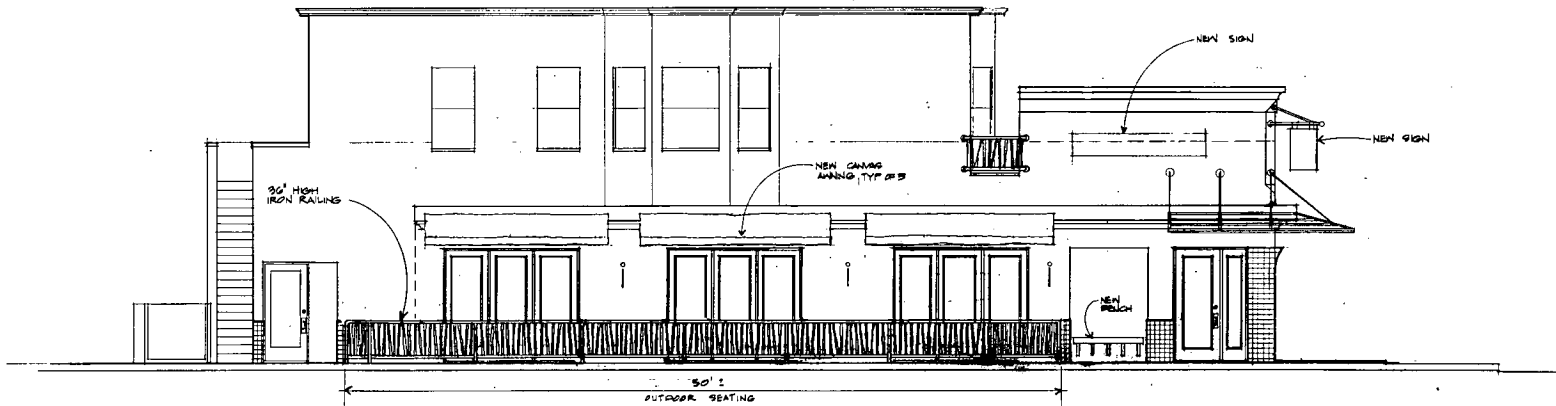
295-003

FEBRUARY 28, 1995

ITEM 3



west elevation



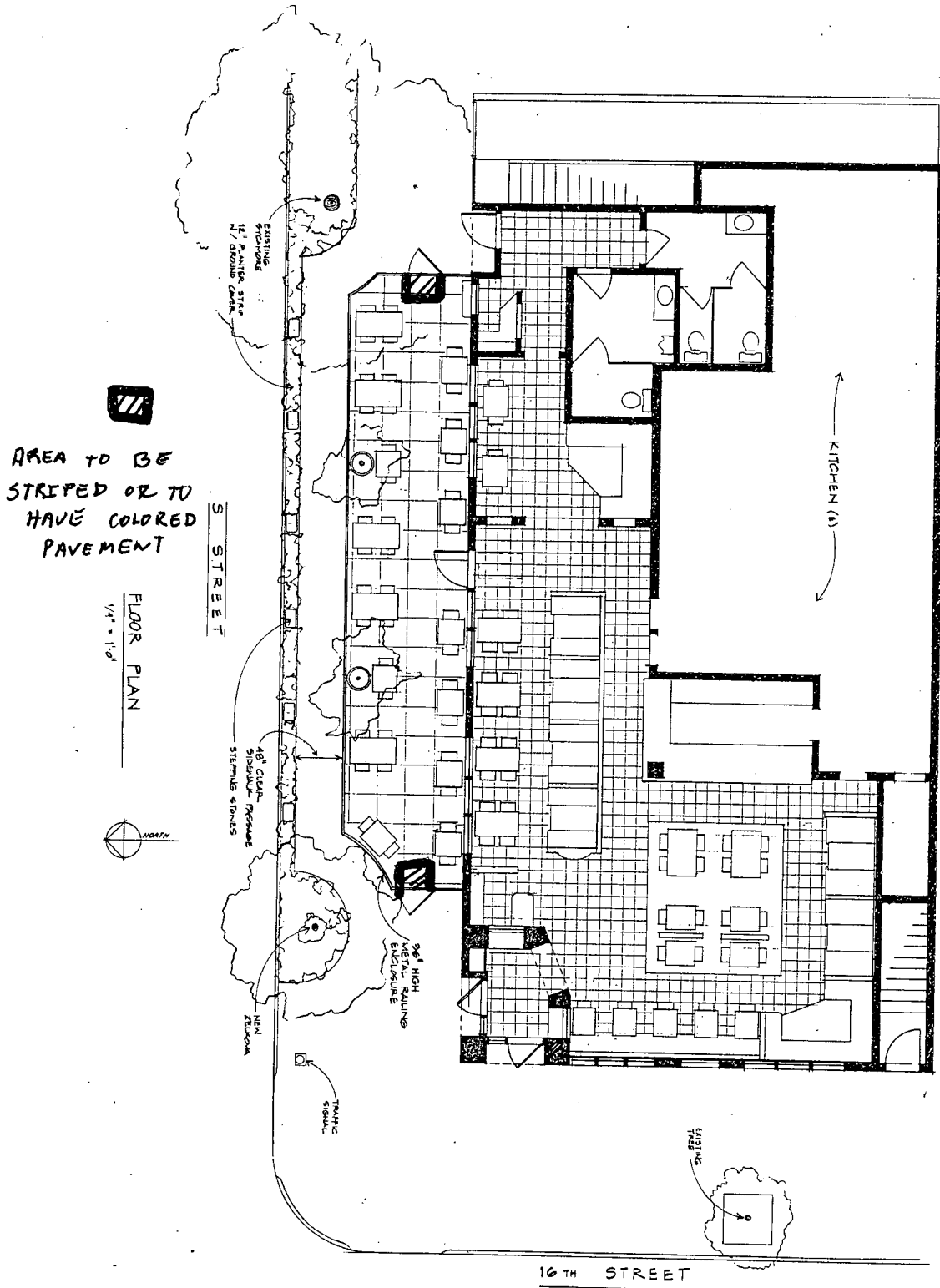
north elevation

Ernesto's Mexican Restaurant
16th & S Streets
Sacramento, CA 95814

20 September, 1994
10 JAN. 1995

EXHIBIT C

STAFF EXHIBIT

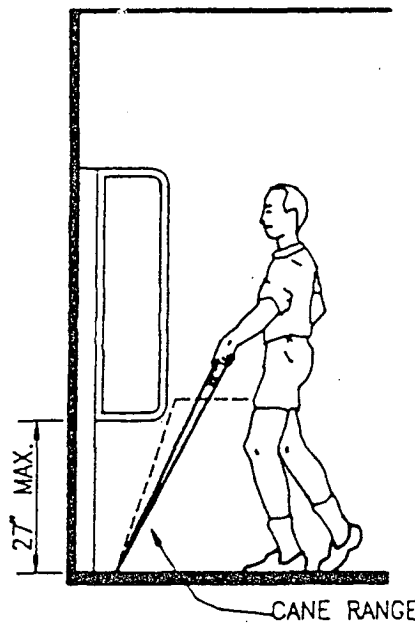
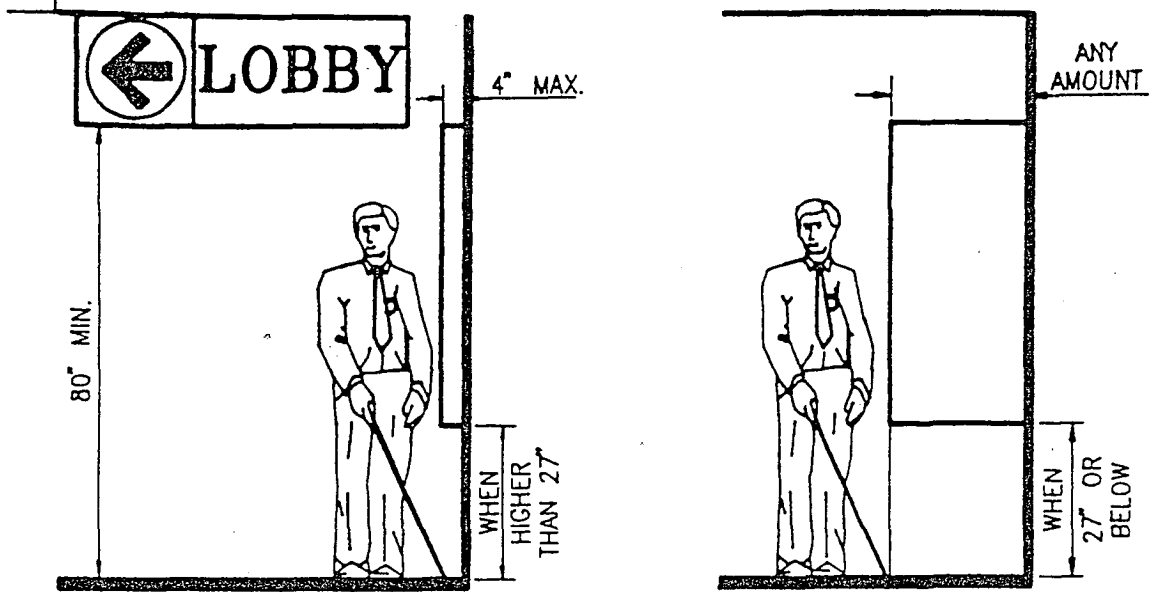


Ernesto's Mexican Restaurant
16th & S Streets Sacramento, CA 95814



EXHIBIT D

STAFF EXHIBIT FOR TREE BARRIER



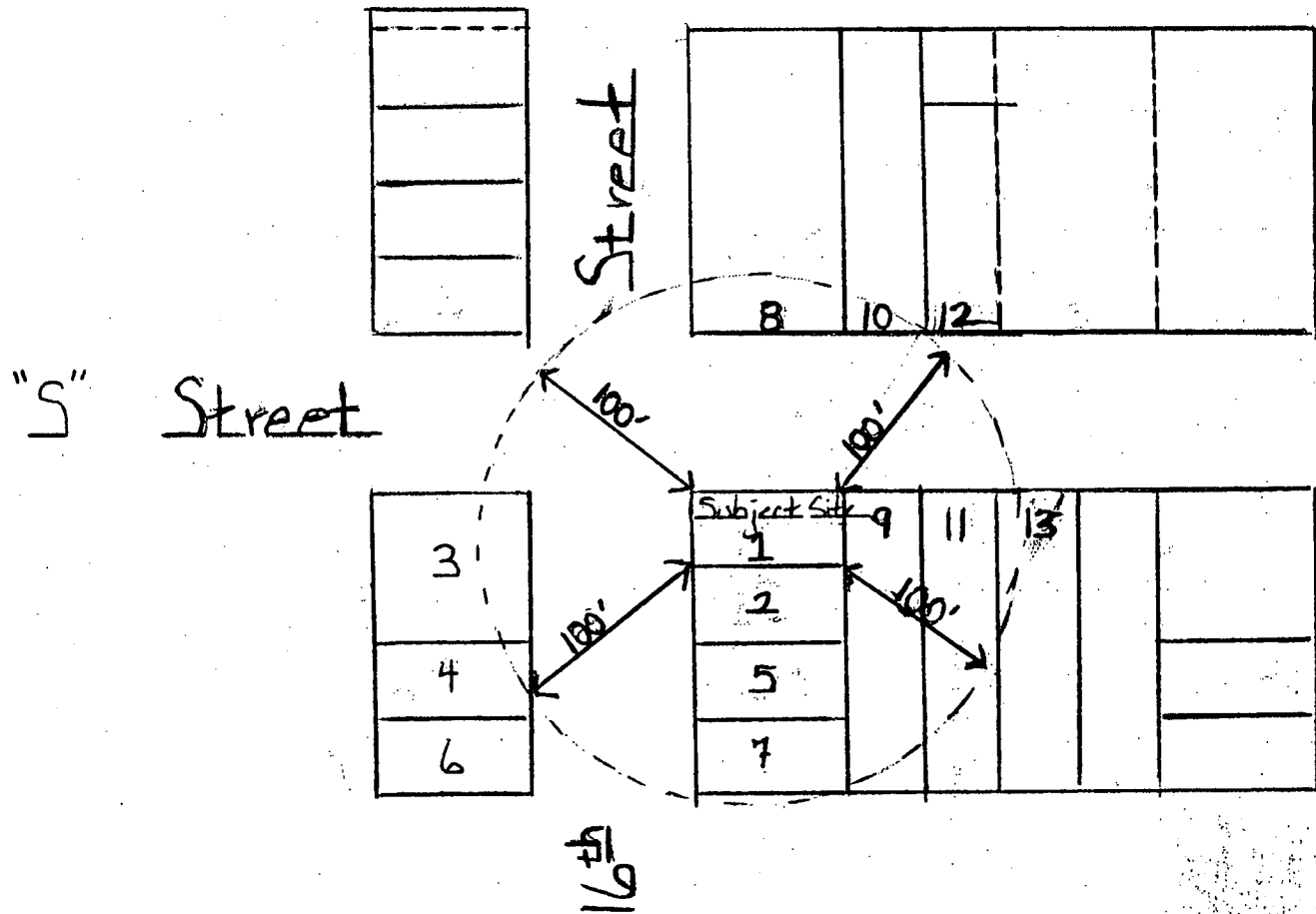
WALKING PERPENDICULAR TO WALL

PROTRUDING OBJECTS

FIGURE NO. 31-7A

THIS DIAGRAM ILLUSTRATES THE SPECIFIC REQUIREMENTS OF THESE REGULATIONS AND IS INTENDED ONLY AS AN AID FOR BUILDING DESIGN AND CONSTRUCTION

Property Ownership Map



↑
North

Scale 1" = 100'