

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

ACTION OF THE ZONING ADMINISTRATOR

On Wednesday, September 30, 1998, 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 Z98-084. 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: 1730 S Street (D4, Area 1)

Assessor's Parcel Number: 009-0096-009

Applicant:	Jack Akabori Construction 1349 Gagle Way Sacramento, CA 95831	Property Owner:	Kim Lam 8250 Peacock Road Elverta, CA 95626
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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: RMX (SPD); Commercial

South: R-3A; Multi-Family

East: C-2 (NC); Commercial and Residential

West: R-3A; Multi-Family

Property Dimensions: Irregular (Sidewalk area- 29' x 3.5' {two street sides})

Property Area: 0.53± acres

Parking Required: 0 (For seats within sidewalk cafe)

Parking Provided: 0

Topography: Flat

Street Improvements: Existing

Utilities: Existing

Project Plans: See Exhibit A

Previous Files: No files

Additional Information: The applicant (Taka Restaurant) proposes to locate 16 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. The site is located at the southwest corner of S Street and 18th Street. There will be four tables with two seats adjacent to the building on both street frontages for a total of eight tables. The area in front of each table will have a three foot decorative wrought iron fence section, open at each seat. The width of the sidewalk precludes a completely enclosed area. The applicant has requested alcohol service; however, the Police Department indicated the request through the liquor license would be denied due to the lack of a completely enclosed area. There are no parking requirements for outdoor seating in the public right-of-way.

The sidewalk width is limited by the large planter area between the sidewalk and the street along both streets. The applicant originally requested to remove the planter area to provide a larger outdoor seating area. The applicant revised the plans when staff indicated that the City rarely allowed the planter areas to be filled in. Additionally there are several large street trees in the planter. The City arborist stated any additions of bricks, pavers, or cement to the entire planter area would harm the trees. The arborist did allow a two width brick surface adjacent to the curb and other live grasses to be planted in the planter.

The site is located within the Central City Design Review area and the Richmond Grove Neighborhood Association. The plans were sent to the neighborhood association and staff received no comments. The project has been noticed and staff received no calls.

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)}.

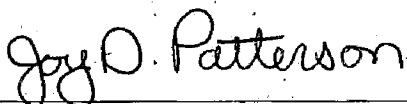
Conditions of Approval

1. The proposed colors and materials for the awning shall be reviewed and approved by Design Review staff prior to installation. The type of furniture and color of the rail shall also be reviewed and approved by Design Review staff prior to installation.
2. No lights or signs shall be attached to or hung from the trees located in the sidewalk area.

3. The planting area shall be maintained with live ground cover and no equipment or furniture shall be located in the planters. Any changes to the tree well area or planter area shall be reviewed by the City Arborist, Dan Pskowski at 768-8604.
4. No live music, amplified music or sound system shall be installed or be audible in the sidewalk area.
5. 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.
6. Hours of operation of the sidewalk dining area shall be 11:30 a.m. to 10:00 p.m., seven days a week. 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.
7. None of the furniture shall block any exit. The sidewalk area outside of the enclosed (fenced) area between the street and the fence must be kept free and clear of tables and chairs. The four foot walkway on both sidewalks must be kept clear (to the sky) of any debris, obstacles, furniture, etc. at all times.
8. All illegal activities observed on or around the business shall be promptly reported to the police.
9. There shall be no alcohol served in the outside seating area.
10. The applicant shall submit plans to the Building Division for review of adequate toilet facilities.
11. 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.
12. 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.**
13. 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.

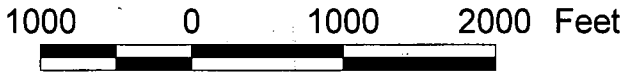
The decision of the Zoning Administrator may be appealed to the Planning Commission. An appeal must be filed within 10 days of the Zoning Administrator's hearing. If an appeal is not filed, the action of the Zoning Administrator is final.

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

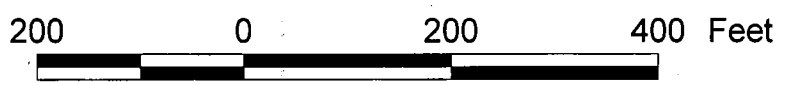
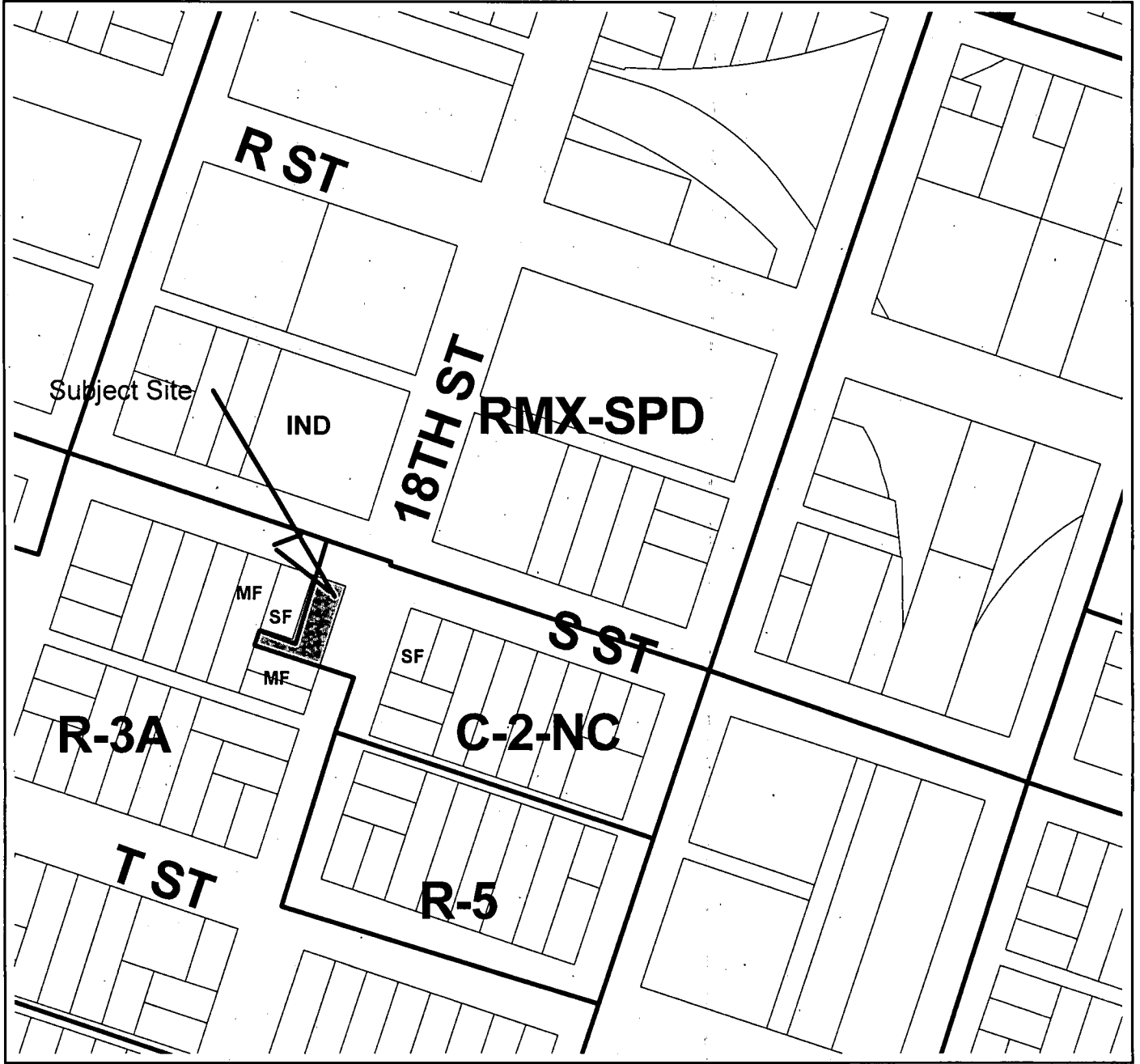



Neighborhoods, Planning
And Development Services
Department

Geographic
Information
System



VICINITY MAP



Neighborhoods, Planning
And Development Services
Department

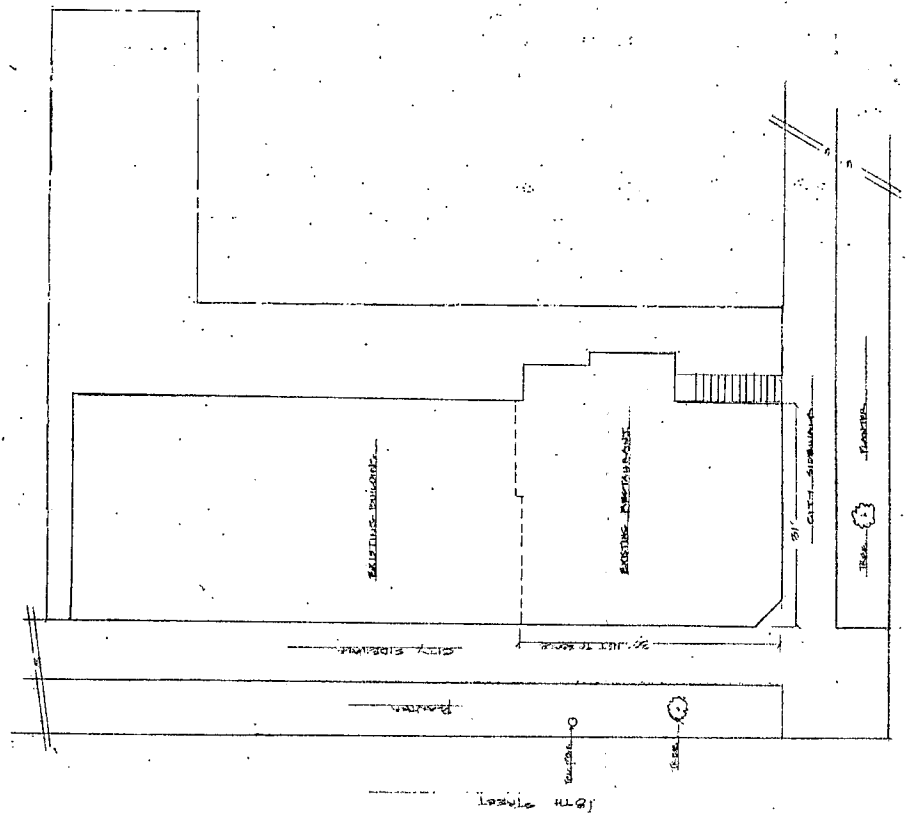
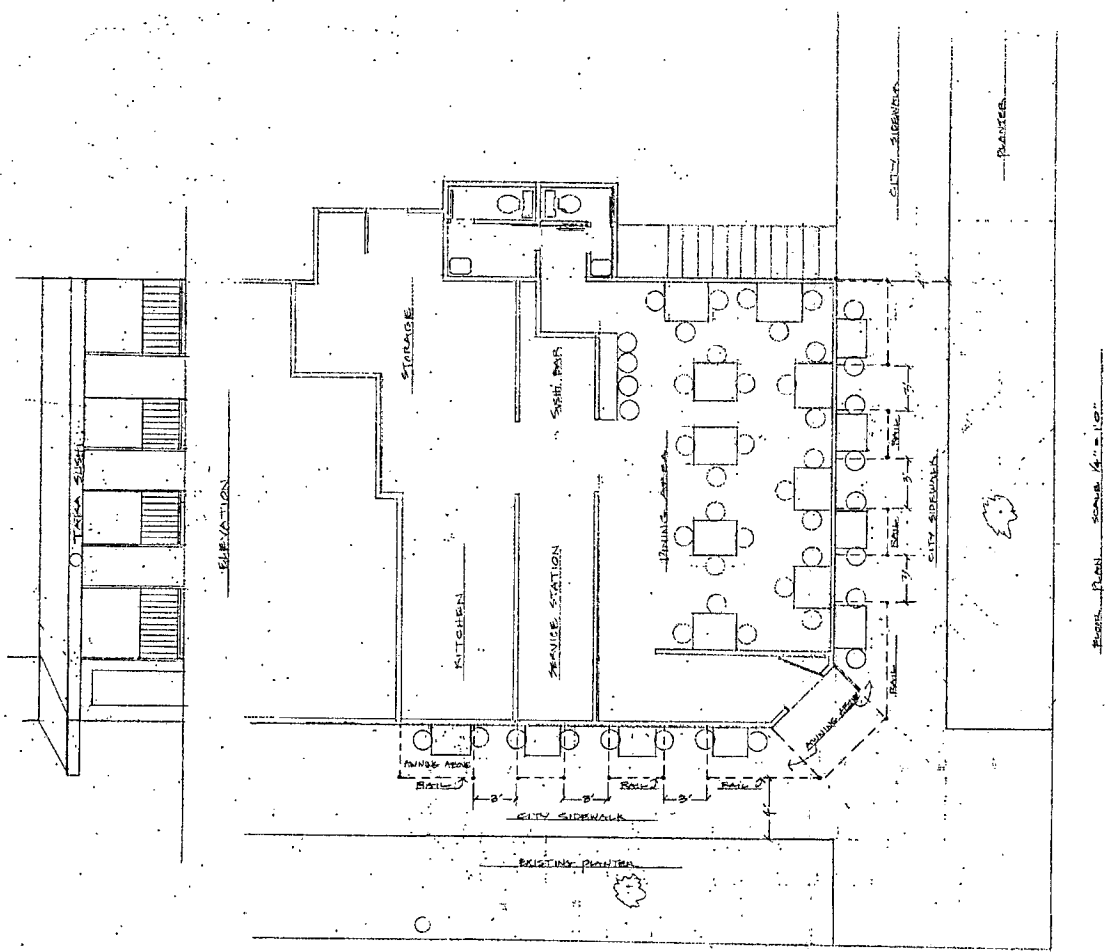
Geographic
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LAND USE AND ZONING



EXHIBIT - A

TARA RESTAURANT	
1130 S STREET	
PROJECT NO.	
DATE	
TARA RESTAURANT RENOVATION	
1998	11-11-98
DRAWN BY	



298-084

SEPTEMBER 30, 1998

ITEM 5