

P99-139 - Torch Club

- REQUEST:
- A. Environmental Determination: Exempt as per Section 15301
 - B. Special Permit to operate a 3,100 square foot Bar and Nightclub on 0.15± developed acres in the Central Business District - Special Planning District (C-3-SPD) zone.

LOCATION: 904 15th Street
APN: 006-0056-005
CPA/Subarea: Central City Community Plan
Sacramento Unified School District
Council District 1

APPLICANT:	Ronald Texeira, The Torch Club, (916) 443-8309 6160 Riverton Way Sacramento, CA 95831
CONTACT:	Jeff Poncia, (916) 443-8309 2304 H Street, #2 Sacramento, CA 95816
OWNER:	Anatol Jordan 126 Beachcomber Shell Beach Shell Beach, CA 93449
APPLICATION FILED:	November 12, 1999
APPLICATION COMPLETED:	November 15, 1999
STAFF CONTACT:	Ted Kozak, 264-1944

SUMMARY/ RECOMMENDATION:

The applicant proposes to relocate the existing Torch Club located at 1612 L Street. Relocation from the existing site has been necessitated by the East End Project expansion. Service will be provided from 10:00 am to 2:00 am seven days a week. Food service will be limited to accepting deliveries from neighboring food purveyors, as a convenience to the patrons, and which will encourage patrons to remain on the premises. Performance of blues music entertainment will be offered. No fixed seats are proposed, occupancy capacity will be determined by the Fire

Marshall. The bar is intended to be a blues club catering to the clientele associated with the Downtown, Capitol, Convention Center, and theater environment.

Staff recommends approval of the project, subject to conditions. This recommendation is based on its consistency with the General Plan and the Cultural and Entertainment District policies to add night and weekend activity within the downtown area, specifically within the Central Business District (C-3-SPD) zone.

PROJECT INFORMATION:

General Plan Designation:	Community/ Neighborhood, Commercial & Office
Community Plan Designation:	Multi-Use
Existing Land Use of Site:	Retail
Existing Zoning of Site:	C-3-SPD

Surrounding Land Use and Zoning:

North: Commercial use; C-2 zone
 South: Commercial use; C-3-SPD zone
 East: Commercial use; C-3-SPD zone
 West: Commercial use; C-3-SPD zone

Property Dimensions:	80' x 80'
Property Area:	6,400± net acres
Square Footage of Building:	6,400 square feet
Height of Building:	20 feet, 1 story
Exterior Building Materials:	Cement Pilaster
Roof Material:	Existing Tile
Hours of Operation:	10 AM to 2 AM
Parking Provided:	0 spaces
Parking Required:	0 spaces
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing

OTHER APPROVALS REQUIRED: In addition to the entitlements requested, the applicant will also need to obtain the following permits or approvals, including, but not limited to:

<u>Permit</u>	<u>Agency</u>
Design Review	Design Review Staff
Building Permit	Building Division
On Site Alcohol Sales	Alcohol Beverage Commission

BACKGROUND INFORMATION:

In May 1990, the City Council adopted the Cultural and Entertainment District Master Plan (M89-011), which provides a plan to create an environment, where people in the downtown core can enjoy and experience an array of formal and informal activities, such as shopping, dining, movie and concerts. In August 1993, the City Council approved a Zoning Ordinance amendment (M93-013) allowing parking standards within the Arts and Entertainment District to be the same as Central Business District to provide incentives for arts and entertainment uses.

On January 22, 1997, the Zoning Administrator approved an encroachment permit (Z96-115) to operate a sidewalk café for the Sunshine Café restaurant located in the public right-of-way at 900 15th Street previously in the same building as the proposed Torch Club.

STAFF EVALUATION: Staff has the following comments:

A. Policy Considerations

The project will provide after hours entertainment in the downtown area which is consistent with the following General Plan Goals and Policies.

General Plan:

Sec 4.13, Policy 2

Actively support the development of cultural and entertainment facilities and events in the downtown area.

Sec 4.13, Policy 3

Actively support efforts to develop visitor and convention facilities in the downtown area.

Sec 4.14, Goal B

Promote the successful development of mixed-use projects in the Central City.

Furthermore, the proposed project is consistent with the Cultural and Entertainment District Master Plan to create an "18 hour city" by creating a concentrated mix of cultural and entertainment facilities that will be capable of contributing to downtown's night and weekend activity. The business is proposed to remain open until 2AM seven days a week, long after the majority of the surrounding offices and lunch establishments, which close at 5PM and usually are not open on weekends.

B. Zoning Requirements

1. Parking/Circulation

In accordance with the Arts and Entertainment District and the Central Business District - Special Planning District (C-3-SPD) zone, no on-site parking is required

for this project. There is ample evening parking in the vicinity of the proposed project on 14th, 15th, 16th, I, and J Streets (see Table 1 below). The largest demand for parking occurs during the day by customers and workers of businesses such as Pacific Bell, construction workers, the State Attorney General Office, and the Sacramento Neighborhoods, Planning, and Development Department.

Table 1
Parking Study
January 6, 2000 at 1:30PM* and 5PM**

Streets (range)	Number of Parking Spaces	Number of Empty Spaces	
		Day*	Night**
J Between 14 th and 15 th	11	0	1
15 th Between H and I	16	11	15
I Between 14 th and 15 th	12	3	6
I Between 15 th and 16 th	17	14 [^]	17 [^]
15 th Between I and J	21	19 ^{^^}	17 ^{^^}

[^]indicates 9 empty spaces had restricted access on 1/06/00.

^{^^}indicates 10 empty spaces had restricted access on 1/06/00.

NOTE: All spaces are subject to 8AM to 6PM weekday metering.

2. Signage

Retail businesses and facilities that are entertainment or culturally oriented and contribute to the active night-life of the CBD-SPD and the Arts and Entertainment District may be allowed creative signage which does not conform to the requirements of Chapter 5, Section 1.1.F.5 of the C-3-SPD Sign Ordinance. Examples of special signs include but are not limited to the following: exposed neon tubing, flashing, or traveling lights on theater marquees or nightclubs, etc. In the near future, the Torch Club proposes to relocate their original sign from their former location on L Street to the location at 904 15th Street. However, this sign is not included in this application since the applicant is unsure of its placement on the building. The applicant will initiate staff-level planning and design review for the sign after relocating to 904 15th Street.

3. Special Permit

The Zoning Ordinance requires the Planning Commission to consider whether the

proposed bar will detrimentally affect nearby residentially zoned areas, and give consideration to the distance of the proposed use from residential buildings and from churches, schools, hospitals, public parks, playgrounds, day care centers, and social welfare institutions.

The proposed project is not located near any residentially zoned property. The nearest residentially zoned property in the area is one block to the south on the southeast corner of 15th and J Streets. Other residentially zoned property in the area is approximately four blocks north and south of the project site. Adequate distance is provided from this project and the residentially zoned property to the north and south. Therefore, the project will not detrimentally affect residentially zoned property.

Staff has provided a map (Attachment 4) and a table (see Table 2) siting the closest social services, parks, schools, and day cares, that are within several blocks of the site. The closest school is Washington Elementary School, located between 16th and 18th Streets and between E and F Streets, and the closest hospital is Sutter General Hospital, located between 28th and 29th Streets and K and L Streets. Staff does not believe that locating this use at this site would adversely impact the social services or day cares located within this area. Nor should the social services and day care uses adversely impact the proposed use since there appears to be adequate distance (greater than 3 blocks) between these uses.

Table 2
Public/ Community Services

SERVICE	ADDRESS	DISTANCE
Traveler's Aid	717 K Street	10 Blocks
El Hogar	608 10th Street	8 Blocks
Legal Services of Northern California	515 12th Street	8 Blocks
Washington Elementary	1740 E Street	5 Blocks
SHRA Elderly Housing	626 I Street	9 Blocks
Chinatown Elderly Housing	499 I Street	10 Blocks
Day Care	630 I Street	9 Blocks
Day Care	1231 H Street	3 Blocks
County Housing Authority	1731 L Street	5 Blocks

Westminister Counseling	1300 N Street	7 Blocks
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Staff supports the requested Special Permit. The proposed bar is consistent with the goal of the Cultural and Entertainment District Master Plan. The site, which is located one block from the Convention Center and IMAX Theater, and 3 blocks from the State Capitol, and adjacent to the Memorial Auditorium, is ideally located for the applicant's intended operations.

C. Building Design

The project site is located within the Central City Design Review area. The building was remodeled in the late 1980's. Since the site is located within a design review area and any exterior modifications to the building is subject to Design Review. The applicant proposes minor exterior modifications which requires staff-level Design Review (DR99-175). Design Review staff is in support of the project's design and will be approving it with conditions when final exterior details of the entry canopy, signage, and glass block windows are submitted to Design Review staff.

PROJECT REVIEW PROCESS:

A. Environmental Determination

The proposed project is exempt from environmental review pursuant to State EIR Guidelines (CEQA Section 15301) since construction consists of minor interior and exterior alterations only.

B. Public/Neighborhood/Business Association Comments

The project has been routed to several neighborhood/ business associations including The Neighborhood, Washington Park Neighborhood Improvement Group, Boulevard Park Neighborhood Association, and Alkali Flats Neighborhood Association. The following are the comments received:

1. Mansion Flats Neighborhood Association

Alicia Wenbourne, of the Mansion Flats Neighborhood Association, has no objections to the project (see attachment 5). In a December 14, 1999 conversation with staff, she commented that the bar would be appropriately relocated in the building since it would be surrounded by commercial uses. She stated that recent neighborhood opposition to bars locating in the area, such as the *Mirage*, were due to the close proximity to residential uses. She believes that the applicant has made a great deal effort to ensure the residents in the area are comfortable with the project.

2. Boulevard Park Neighborhood Association

Ed Cox, of the Boulevard Park Neighborhood Association, has no objections to the project. In a December 20, 1999 conversation with staff, Mr. Cox stated that the project had overwhelming support among members during the neighborhood association's regular November meeting.

C. Summary of Agency Comments

The project has been reviewed by several City Departments and other agencies. The following summarizes the comments received:

1. City Police

Lt. C. Westin of the City Police Department, recommends approval of the project. In a written statement dated November 30, 1999, Lt. Westin stated that the project should have no impact and that police is unaware of any problems associated with this particular business.

2. City Public Works - Electrical Section

There are existing street light, traffic signal, and interconnect systems at this location. Any work done within the right-of-way may require these facilities to be modified.

3. City Fire Department

The City Fire Department has provided the following comments.

- a) Secondary egress $\frac{1}{2}$ diagonal length is required, otherwise the occupancy will be reduced to 49 persons total.
- b) Exit signage is required.
- c) Emergency lighting required if occupancy load is greater than 100 persons.

PROJECT APPROVAL PROCESS: Of the entitlements below, Planning Commission has the authority to approve or deny A and B. The Planning Commission action may be appealed to the City Council. The appeal must occur within 10 days of the Planning Commission action.

Staff recommends the Planning Commission take the following actions:

- A. Adopt the attached Notice of Decision and Findings of Fact which finds that the project is Exempt pursuant to CEQA Section 15301;
- B. Adopt the attached Notice of Decision and Findings of Fact approving the Special Permit to operate a 3,100 square foot Bar and Nightclub on 0.15± developed acres in the Central Business District - Special Planning District (C-3-SPD) zone.

Report Prepared By,

Report Reviewed By,



Ted Kozak, Planner



Steve Peterson, Senior Planner

Attachments

Attachment 1	Notice of Decision & Findings of Fact
Exhibit 1A	Site Plan
Exhibit 1B	Elevations
Attachment 2	Vicinity Map
Attachment 3	Land Use & Zoning Map
Attachment 4	Survey Area
Attachment 5	Mansion Flats Neighborhood Association
Attachment 6	Letter from applicant

**NOTICE OF DECISION AND FINDINGS OF FACT FOR
Torch Club, LOCATED AT 904 15th Street SACRAMENTO, CALIFORNIA IN THE ZONE.
(P99-139)**

At the regular meeting of January 20, 2000, the City Planning Commission heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Planning Commission took the following actions for the location listed above:

- A. Environmental Determination, Exempt as per Section 15301;**
- B. Approved the Special Permit to operate a 3,100 square foot Bar and Nightclub on 0.15± developed acres in the Central Business District - Special Planning District (C-3-SPD) zone.**

These actions were made based upon the following findings of fact and subject to the following conditions:

FINDINGS OF FACT

- A. Categorical Exemption: The City Planning Commission finds and determines that the proposed project is exempt from environmental review pursuant to Section #15301 of the CEQA Guidelines.
- B. Special Permit to allow the operation of a Bar for on-premise alcohol consumption: The Special Permit to allow the operation of a Bar for on-premise alcohol consumption is approved subject to the following findings of fact and conditions of approval:
 - 1. The project is based upon sound principles of land use in that:
 - a. the proposed use will not adversely affect the peace or general welfare of the surrounding neighborhood;
 - b. the proposed use will not result in an undue concentration of establishments dispensing alcoholic beverages in that there is only one bar within a six block radius of the project;
 - c. the proposed use does not have the potential to create the development of a skid row or blighted area; and
 - d. the proposed use will not be contrary to or adversely affect any program of redevelopment or neighborhood conservation.

2. The project will not be detrimental to the public welfare and result in the creation of a public nuisance in that there is not a potential for an increase in crime to the area.
3. The project is consistent with the General and Community Plan.

CONDITIONS OF APPROVAL

B. The Special Permit to operate a 3,100 square foot Bar and Nightclub on 0.15± developed acres in the Central Business District - Special Planning District (C-3-SPD) zone is hereby approved subject to the following conditions:

- B1. No live music shall be performed in the sidewalk area. Any entertainment provided shall not be audible beyond the interior of the business.
- B2. 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)**

- B3. Bar windows shall be left unobstructed to all viewing of the interior of the business by patrolling police.
- B4. Hours of operation of the bar shall be 10AM to 2AM seven days a week.
- B5. None of the furniture shall block any exit.
- B6. No lights or signs shall be attached to, or hung from, the trees located in the sidewalk area in front of the bar.
- B7. The sidewalk area within 100 feet of the bar 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 bar.
- B8. Any new signage must undergo planning and design review prior to erection.
- B9. Design Review approval must be finalized before building permits are issued.

Building Department

- B10. Seating layout shall submit to Building Inspection for further review:

- a. Main aisle width between the seating shall meet 44 inches existing requirement.
 - b. All the aisle widths shall also be in compliance with accessibility requirements.
 - c. Number of HCP seating shall not be less than 5% of the total seating provided.
 - d. Bar counter shall have a HCP space with 36" min width and 34" max height.
 - e. Restrooms shall upgrade to meet accessibility requirement for occupancy group changed.
- B11. West and south walls shall be not less than two hour fire resistive construction with 30" parapet.
- B12. Provide the building code data for further review. Building code information shall include the following items:
- a. Type of construction
 - b. Occupancy group
 - c. Building area
 - d. Building height
 - e. Sprinkler system (yes or no)
- B13. Show on site plan the HCP's path of travel.
- B14. Exterior door shall not encroach the public sidewalk more than 12".
- B15. The applicant shall obtain all necessary building permits prior to construction.
- Fire Department
- B16. Secondary egress $\frac{1}{2}$ diagonal length is required, otherwise the occupancy will be reduced to 49 persons in total.
- B17. Exit signage is required.
- B18. Emergency lighting required if occupancy load is greater than 100 persons.

CHAIRPERSON

ATTEST:

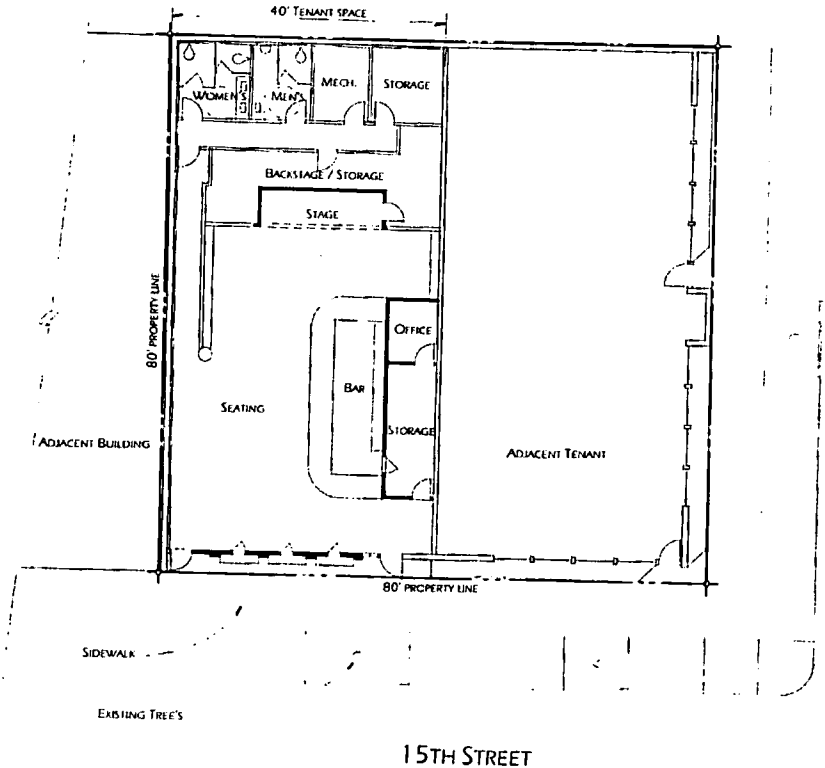
SECRETARY TO CITY PLANNING COMMISSION

DATE (P99-139)



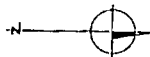
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I STREET

SITE / FLOOR PLAN
1/8" = 1'-0"



THE TORCH CLUB
TENANT
IMPROVEMENTS
904 15TH ST., SACRAMENTO
23 OCTOBER, 1999

P99-139

January 20, 2000

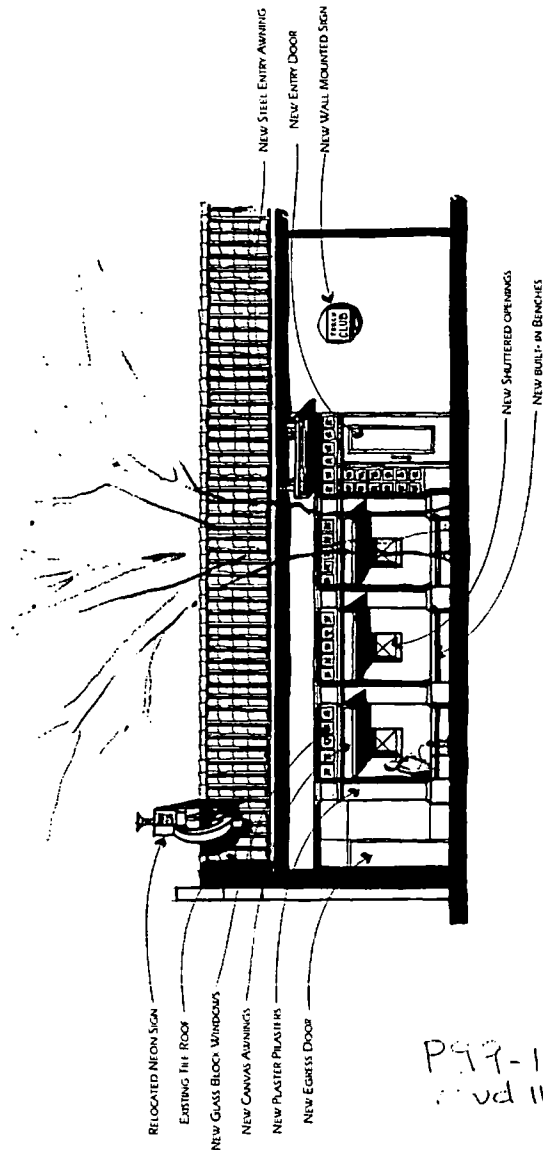
ITEM #
PAGE 13
Exhibit 1A
Site Plan



916.441.4685

THE TORCH CLUB
TENANT
IMPROVEMENTS
904 15TH ST., SACRAMENTO

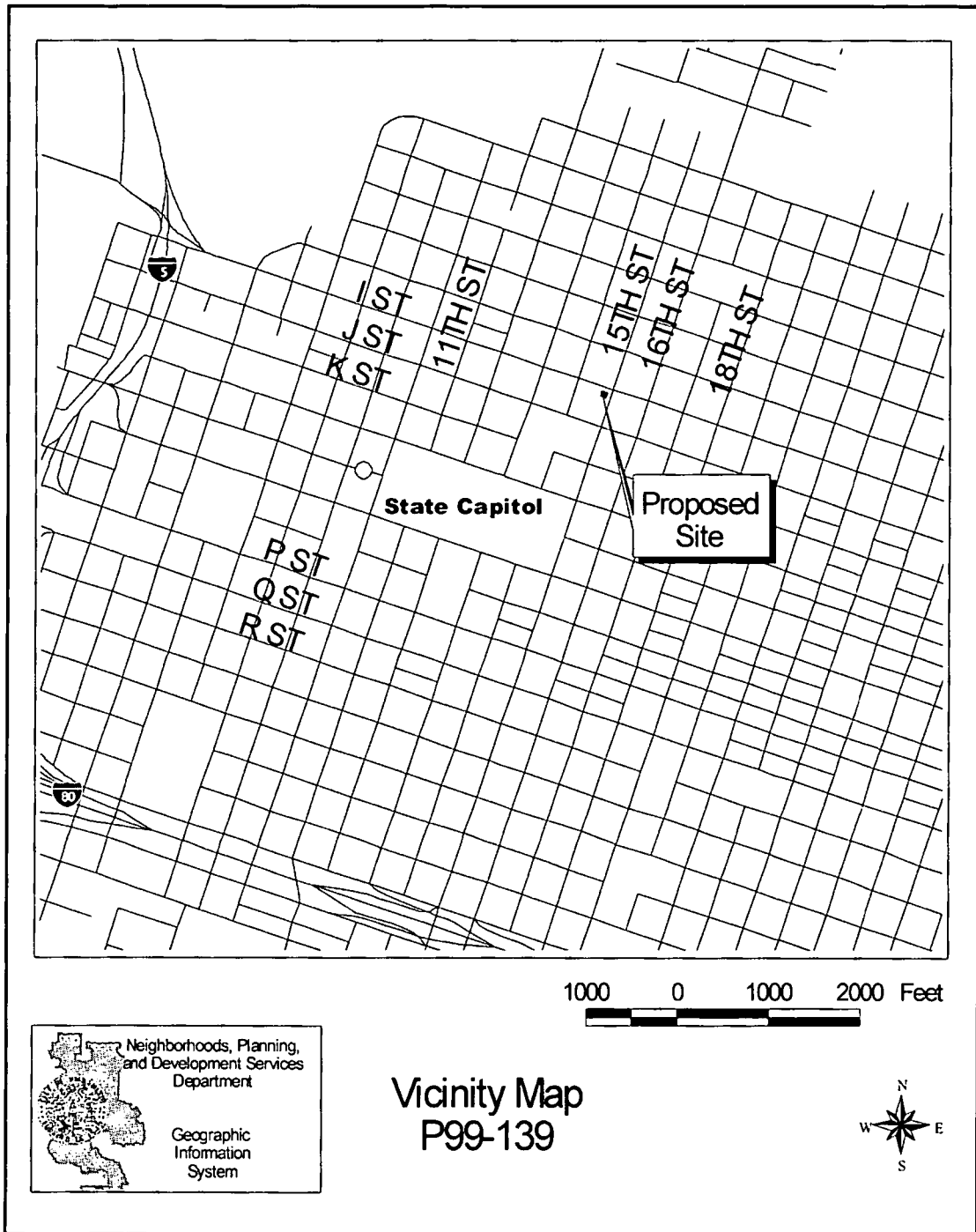
23 OCTOBER, 1999



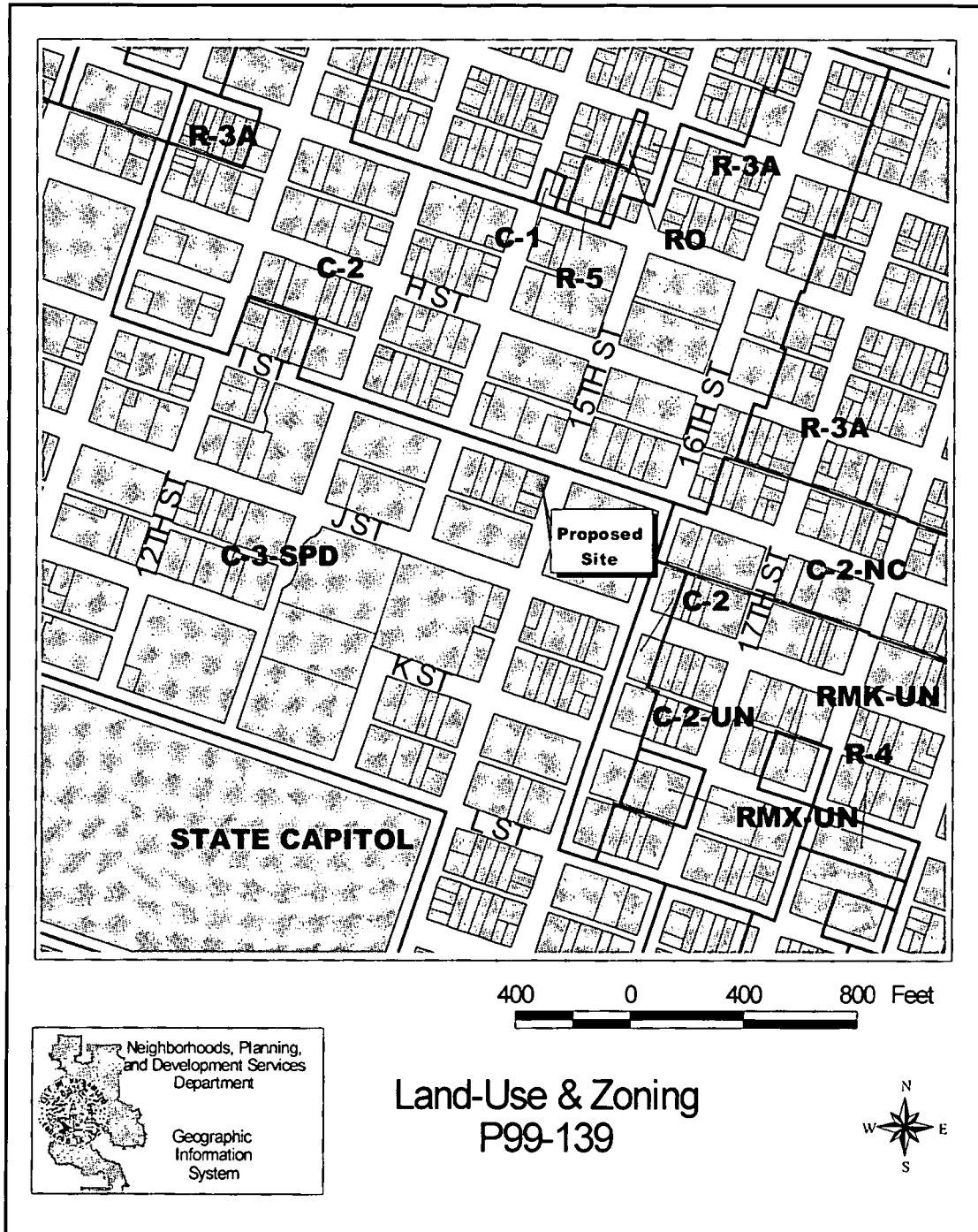
15TH STREET ELEVATION (EAST)
1/8" = 1'-0"

P99-139
rev 11.2.99

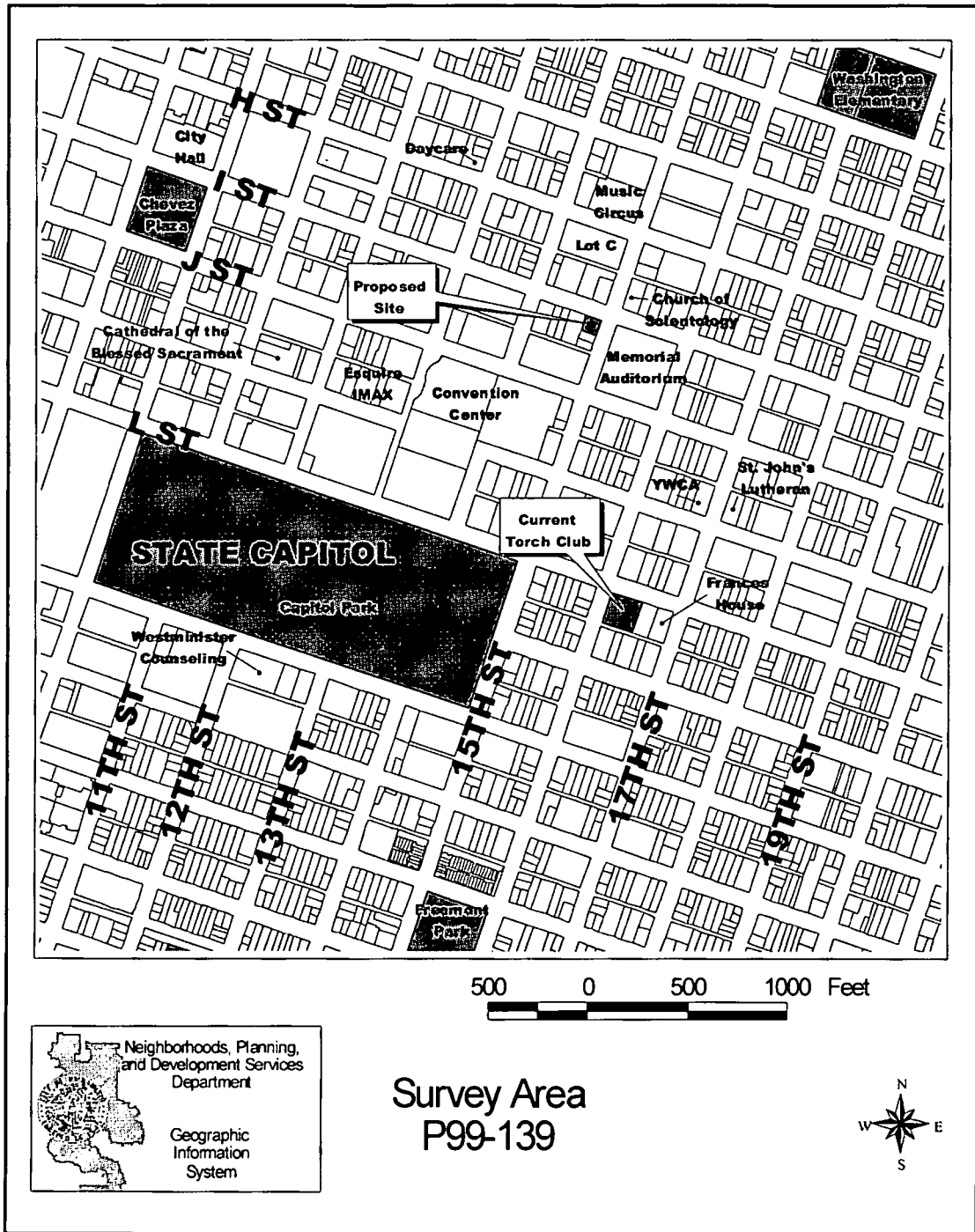
Attachment 2
Vicinity Map



Attachment 3
Land Use & Zoning Map



Attachment 4
Survey Area



Attachment 5
Mansion Flats Neighborhood Association

EARLY PROJECT NOTIFICATION RECEIPT

Association Name Mansion Flats NA Phone # _____

Association Contact Alicia Wambouwe Phone # 443-7322

Please Check and Return By: _____

We have reviewed this application and: Have no comments

Will need until _____ (date) to complete our review of this project

Our comments are below or attached: _____

We reviewed this project and think that it will be fine.

One consideration is to have cumvests in middle of benches so no one can lag down.

Thank you

Project Manager Ted KOZAK
Phone # 264-1944 File# P99-139

PLEASE PRINT / REVISED 10/97

Attachment 6
Letter from applicant

November 9, 1999


Dear Members of the Planning Commission,

As you are all fully aware, The Torch Club has been a contributing member of Sacramento's colorful history since 1934. The Texeira Family has owned and operated the bar since 1969 during which they have relocated what will be the third time since taking over ownership. Each move has marked a new beginning and the establishment has survived, and even thrived. The Torch Club has withstood the test of time because of what it has come to mean to Sacramento. People visit the Torch Club now from all over the world now to listen to our fine local musicians play the blues

As we come to the end of 1999 the Torch Club will once again mark a new beginning. The Torch Club has found a new location that fits all of the critical criteria for operating a bar and nightclub. We have spent the last two years painstakingly looking for a location that will suit our needs as well as the city's. The location at 904 15th street is ideal for the Torch Club and is truly a location the city has already embraced. The Torch Club has made presentations to PAC of Alkali Flats, Mansion Heights Neighborhood Association, and NAAG which Heather Fargo's staff attended, all of them expressed their enthusiastic support for this location.

We realize the extraordinary amount of material the Planning Commission must review each year and we realize the importance for making sound decisions regarding our community, but we must make an urgent plea for an expeditious decision. The Torch Club will not received any relocation funds for this project and will have to endure the full brunt of the financial hardship, therefor we must continue operations at the current location while doing the tenant improvements at the new location. If the Torch Club can be put on your agenda as soon as possible we can move forward with our construction plans before the end of the lease at our current location. Our lease will expire on January 31, 2000 but we must begin construction by January 1st. Thank you for your understanding on this matter.

Respectfully,



Ronald Texeira Sr.
(Owner)

