

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

ACTION OF THE ZONING ADMINISTRATOR

On Tuesday March 15, 1994, 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 Z94-009. 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 16 seat sidewalk cafe in the General Commercial (C-2) zone.

Location: 2131 J Street

Assessor's Parcel Number: 007-0022-013

Applicant:	Mike and Cecile Monier "Deli Delight" 2131 J Street Sacramento, CA 95816	Property Owner:	Jud Landis 1127 11th Street #215 Sacramento, CA 95814
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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/Store, Commercial uses, and Apartments
Existing Zoning of Site:	General Commercial (C-2)

Surrounding Land Use and Zoning:

North:	R-3A; Driving School and apartments
South:	C-2; Church Parking Lot
East:	C-2; Commercial
West:	C-2; Commercial

Property Dimensions:	80 feet x 160 feet (Sidewalk)
Property Area:	0.29± acres
Parking Required:	0
Parking Provided:	0

Project Plans: See Exhibits A, B and C

Additional Information:

The applicant 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. There will be three tables with four seats and two tables with two seats. The existing building has apartment units and several commercial tenants including the applicant "Deli Delight" which is a market and restaurant. The building is on the corner and the proposed seating will be located on both streets (22nd Street and J Street). Additionally, the applicant proposes to construct an awning along the exterior of the front of the building that wraps around the corner for approximately 12 feet. The awning will project 5.5 feet from the building and at a height of 7.5 feet. The proposed colors will match the building exterior color and will be either blue or burgundy. There is no signage shown on the proposed awning.

The site is located within the Boulevard Park neighborhood organization area. The proposed plans have been submitted to the neighborhood association and no comments were received.

Agency Comments

The proposed project has been reviewed by the various City Departments. Their comments have been included as conditions of approval. Several conditions were also made regarding the aesthetics of the proposal from the Design Review staff and are diagrammed in Staff Exhibits B and C.

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. Three portable planters shall be constructed out of building materials that match the existing wood accents on the building exterior. The planters shall be four to five feet in length, a minimum of two feet high, and will serve as a visual barrier around the seating. (See Staff Exhibits B and C for location and suggested design of planters). The planters shall be in place by three months after approval of the Special Permit (June 15, 1994). Any changes or modifications to the required planters will be subject to the review and approval of the Design Review staff (contact Luis Sanchez, 264-5957).
2. Five (5) one foot by one foot (minimum size) portable planters shall be constructed out of building materials that match the existing wood accents on the building exterior. The planters may contain small flowering plants or a small tree. (See Staff Exhibits B and C for location and suggested design of planters). The planters shall be in place by three months after approval

of the Special Permit (June 15, 1994). Any changes or modifications to the design or number of the required planters will be subject to the review and approval of the Design Review staff.

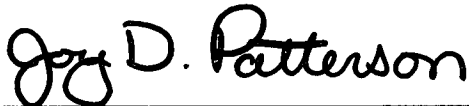
3. The awning shall be constructed out of fireproof material. Any proposed signage on the awning shall be reviewed and approved by Design Review staff and receive a sign permit prior to being added to the awning. A building permit is required for the awning.
4. No alcohol is permitted outside. The applicant shall post a visible sign within the store near the exit that clearly states that no alcohol is permitted in the outdoor seating area. The applicant currently has an off-sale ABC license. If the applicant applies for an on-sale license, and desires to serve alcohol in the outdoor cafe area, then a modification to this Special Permit must be obtained from the Zoning Administrator.
5. None of the sidewalk cafe furniture or planters shall block any exit.
6. Tables, chairs and planter boxes shall be a minimum of two feet from the curb to allow for adequate exiting space from vehicles parked at the curb.
7. A minimum of four feet of sidewalk is to remain clear at all times for pedestrian traffic (this includes four feet between the table on 22nd Street and the tree well).
8. All furniture and planters shall be removed from the public right-of-way and stored within the building during the hours the restaurant is not operating. (Current hours of operation are 8:00 a.m. to 6:00 p.m.).
9. Size and location of the tables shall conform to the plans submitted.
10. 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.
11. 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. The Certificate of Insurance shall be submitted to the Zoning Administrator by June 15, 1994.
12. The applicant is considering locating a bike rack on the sidewalk in the sidewalk cafe area. The bike rack, if desired, shall be noted on the plans at time of issuance of the Encroachment Permit.

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.

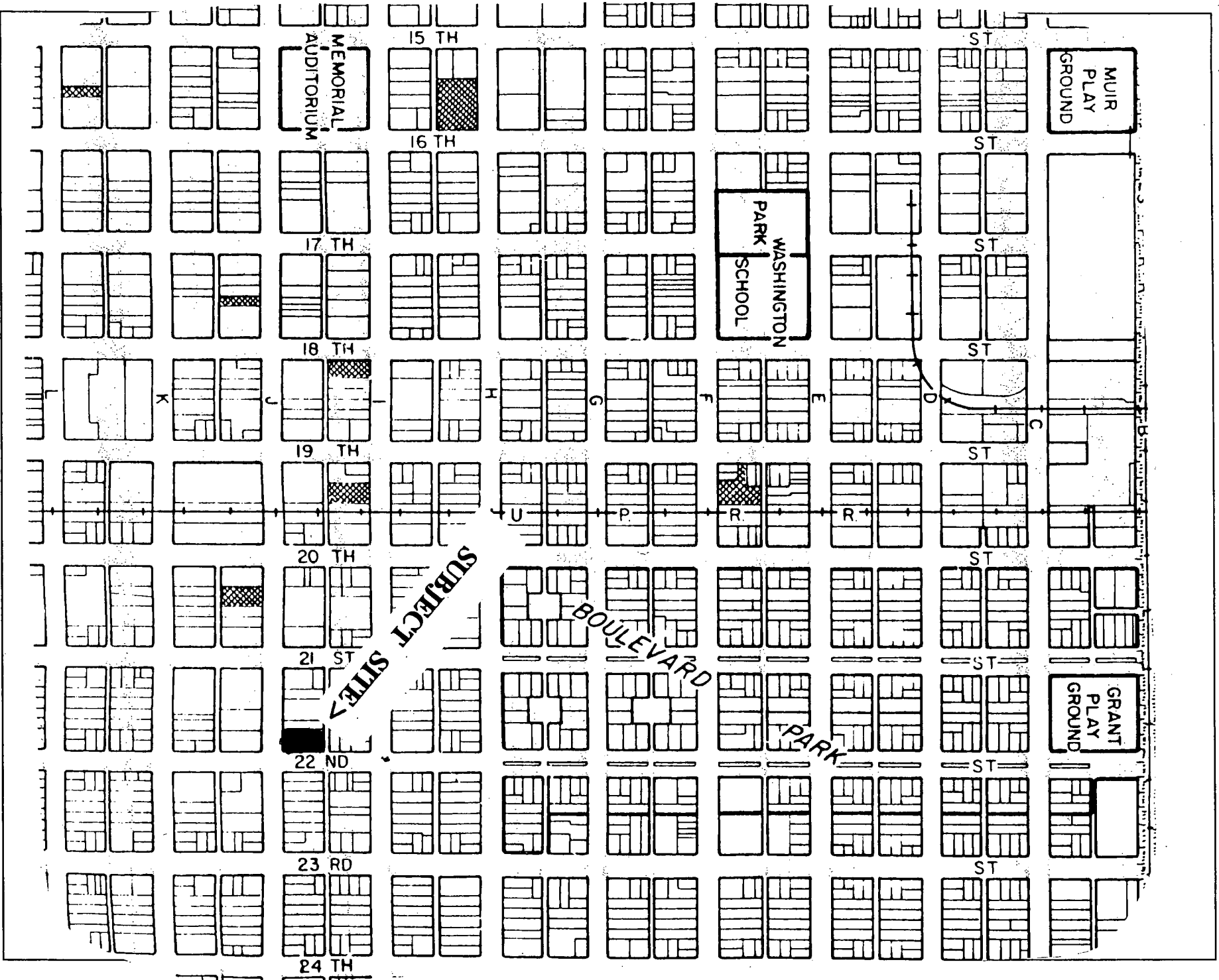


Joy D. Patterson
Zoning Administrator

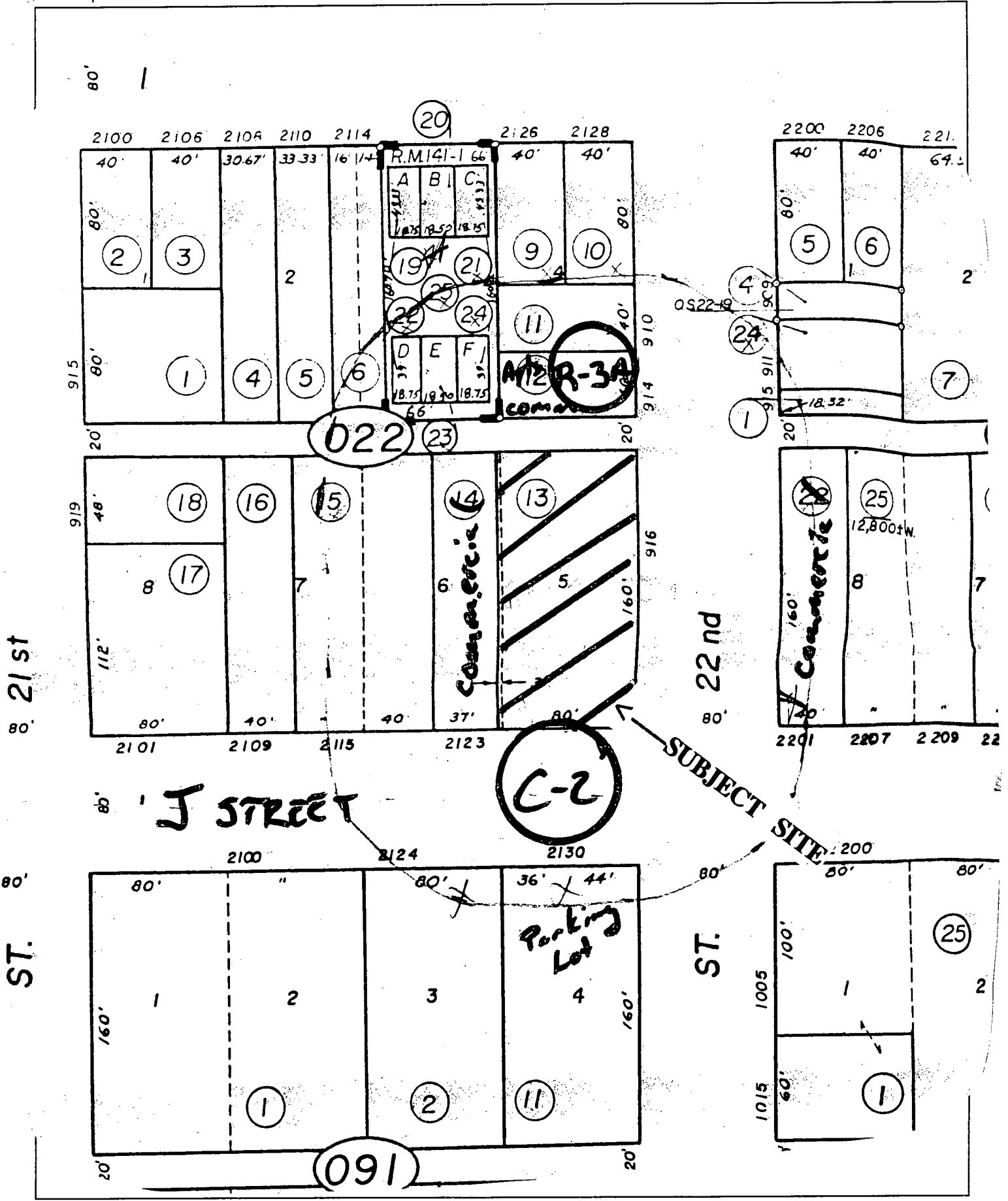
A use for which a Special Permit is granted must be established within two years after such permit is approved. If such use is not so established the Special Permit shall be deemed to have expired and shall be null and void. A Special Permit use which requires a Building Permit shall be deemed established 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
Sidewalk Cafe Log Book
Police Department (Lynne Ohlson)



VICINITY MAP



LAND USE & ZONING MAP