

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

ACTION OF THE ZONING ADMINISTRATOR

On Tuesday November 9, 1993 the Zoning Administrator approved with conditions a Special Permit for a 14 seat sidewalk cafe in conjunction with a restaurant for the project known as Z93-061. Findings of Fact and conditions of approval for the project are listed on pages 3 and 4.

Project Information

Request: Zoning Administrator's Special Permit for a 14 seat sidewalk cafe in the General Commercial (C-2) zone.

Location: 2431 J Street
Assessor's Parcel Number: 007-0032-016

Applicant:	Terry Black 2431 J Street Sacramento, CA 95816	Property Owner:	Terry Black 2431 J Street Sacramento, CA 95816
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General Plan Designation: Community/Neighborhood Commercial & Offices
1980 Central City Community
Plan Designation: General Commercial
Existing Land Use of Site: Restaurant
Existing Zoning of Site: C-2

Surrounding Land Use and Zoning:

North:	Commercial & Residential; C-2 & R-3A
South:	Commercial; C-2
East:	Commercial; C-2
West:	Commercial & Residential; C-2

Parking Required:	0
Parking Provided:	0
Property Dimensions:	Sidewalk
Property Area:	N/A
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing

Project Plans: See Exhibits A - D

Additional Information

The project site is adjacent to and will be used in conjunction with a three story building with a vacant restaurant use on the first floor, and a 250 square foot office and two residential units on the second and third floors. The site's previous use has been as a restaurant and bar. The land use cards and Sanborn maps verify this use. In 1945, a building permit was issued for a remodel of a restaurant. It is unknown as to the number of seats that the previous use has had in the operation of the restaurant/bar. The applicant indicates that the existing restaurant will have 57 fixed seats and that the hours of operation will be from 8:00 a.m. to 12:00 p.m. (57 seats, however, are not shown on the submitted site plan). Sixteen of these seats are shown on an outdoor patio which is located on the project site and not in the public right-of-way. In addition, the applicant is requesting a special permit to locate 14 seats on the sidewalk (public right-of-way). The applicant also proposes to locate awnings and structural support for the awnings in the public right-of-way. The awnings are being included as part of the special permit/encroachment permit review.

The plans indicate that a patio/parking area exists at the rear of this building. Upon a site visit, Planning staff looked at this area. A curb cut indicating a driveway does exist for this area which at one time did have a garage on the site. The patio area is constructed of brick and is not an approved surfacing for parking. The Sanborn Maps do not indicate parking in this area. A gate is located across the property line blocking the entrance to this parking area. If this area were to be used as parking the gate should be removed or recessed 20 feet from the property line in order to comply with City Code. Staff feels that this area would be better utilized as outdoor area for the two residential units above the restaurant and office. Additional seating in the patio area will require additional parking. (This information relating to site conditions is for the applicant's use and does not apply to the special permit for seating in the public right-of-way).

The adjacent neighborhood associations were contacted. The neighborhood associations do no object to this request. The Central City Alliance of Neighborhoods did express some concerns with the hours of operation for the sidewalk cafe in conjunction with the sales of alcohol. However, they are willing to take a wait and see attitude. The Marshall School Neighborhood Association has expressed a concern regarding consumption of alcohol on the sidewalk. The Association would like to see some regulations regarding consuming alcohol on the public right-of-way to avoid people gathering on the sidewalk to drink. There were no neighbors or adjacent property owners present at the public hearing.

The proposal to locate seating in the public right-of-way was reviewed by various City Departments. Their comments are included as conditions of approval. Several comments were also made regarding conditions on the restaurant site. These comments are included for the applicant's use on Exhibit B. The letter from the Police Department is also included as Exhibit E.

The applicant has also completed sidewalk improvements on the 25th Street side. The applicant worked with the City Arborist to plant trees that met City requirements in the tree wells.

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 15304(b)(1)).

Conditions of Approval

1. The sidewalk area between the street and the main door to the restaurant on J Street must be kept free and clear of tables and chairs. The minimum width to be kept free and clear is the width of the entrance (see Exhibit A). A gate is permitted in this area, but not a solid fence. (Building Division, Fire Department)
2. Building permits will be required for the awnings. If cloth awnings are used, flame retardant material is required. (Building Division, Fire Department)
3. A minimum three foot clearance shall be provided from the existing traffic signal standards and any fencing or other decorative barriers used for the sidewalk cafe. (Electrical Engineering Division)
4. A minimum four foot wide sidewalk area shall remain clear at all times for pedestrian traffic on J Street and 25th Street. (Street Maintenance Division, City Code and Zoning Ordinance requirement)
5. A minimum two foot clearance between the curb and fencing (or other decorative barrier), as shown on the site plan, shall be maintained for parking meter access. (Parking Division)
6. The proposed materials and colors for the fencing (or alternative decorative barrier), sidewalk furniture and awnings shall be submitted for the review and approval of Design Review Board staff prior to issuance of the Encroachment Permit and the Building Permit for the awnings. (Contact Luis Sanchez, 264-5957) *Completed see attached 12-9-93 gc.*
7. 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. (Police Department)
8. Signs shall be clearly posted and maintained on the premises prohibiting consumption of alcoholic beverages on the non-permitted areas of the business or adjacent public area. The signs shall be worded as follows:

UNLAWFUL TO ENTER, BE OR REMAIN ON
ADJACENT PARKING LOT OR ADJACENT
PUBLIC SIDEWALK WITH AN OPEN
ALCOHOLIC BEVERAGE CONTAINER.
C.P.C. 647E(A); S.C.C. 26.24(c).

(Police Department)

9. Hours of operation of the sidewalk dining area shall be 8:00 a.m. to 12:00 a.m. When the sidewalk area is not in use for seating and service, all removable fixtures (i.e. chairs, planters, tables, etc.) shall be stored on the restaurant property. (Police Department, Planning Division)
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. (Police Department, Planning Division)
11. All illegal activities observed on or around the business shall be promptly reported to the police. (Police Department)
12. The outdoor seating located in the public right-of-way, as proposed on the submitted site plan, does not meet the requirements of the Police Department and ABC for the consumption of alcoholic beverages. This permit is for a sidewalk cafe on the public right-of-way that does not include service or consumption of alcoholic beverages. If the applicant can modify the seating design in the public right-of-way area to the satisfaction of the Police Department and continue to abide by the requirements of other City Departments, the applicant can request a minor deviation to this special permit to be reviewed and approved by the Zoning Administrator. A modified permit could include additional conditions.
(Note: The outdoor seating on the restaurant site also does not meet Police Department standards. This area is not reviewed as part of this special permit but conditions could be imposed on this area by the Police and ABC to permit the consumption of alcoholic beverages in this area.)
13. 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 public right-of-way cannot be used for a sidewalk cafe until the Encroachment Permit resolution is issued.

Findings of Fact

1. The 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, as conditioned, will not be detrimental to the public health, safety or welfare, nor result in the creation of 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 proposed project is consistent with the General Plan and the Central City Community Plan which designates the site for commercial use.

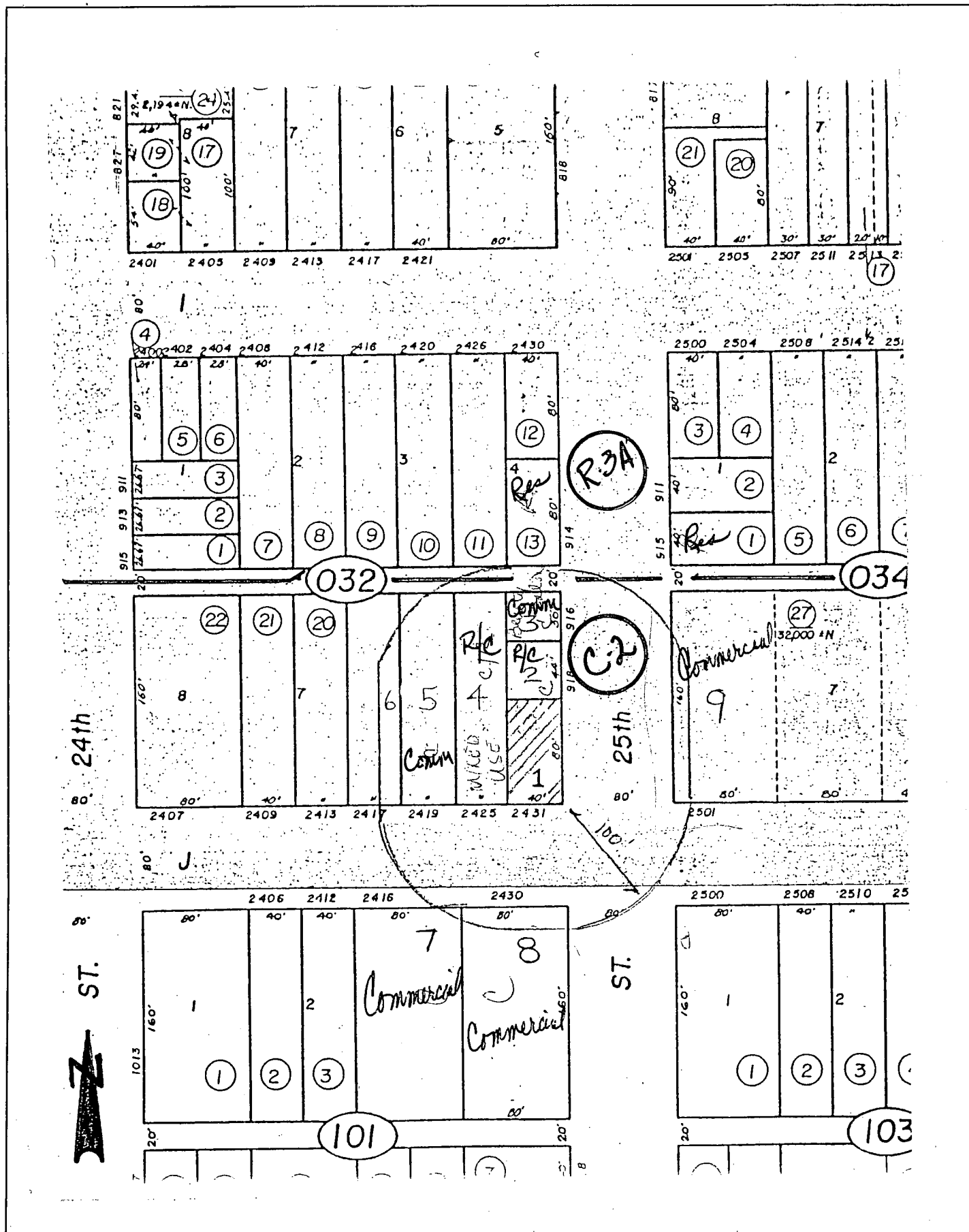
Joy D. Patterson

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)



VICINITY, LAND USE AND ZONING MAP

Z93-061

This area to remain free and clear or a gate (min. width of entrance) may be placed here. A solid fence is not allowed.

Keep this area (min. width of entrance, from entrance to the street) free and clear of tables and chairs

SITE PLAN

DRAWN BY TERRY BLACK
TEL. 442-7656

2431 J STREET FIRST LEVEL COMMERCIAL

11-9-93

PROPOSED 3' FENCE WROUGHT IRON

STREETLIGHT

Item 2
Min. 2' clearance between curb and fencing (or other barrier) for meter access

Min. 3' clearance required from any traffic signal standards and fence or any decorative barrier used.

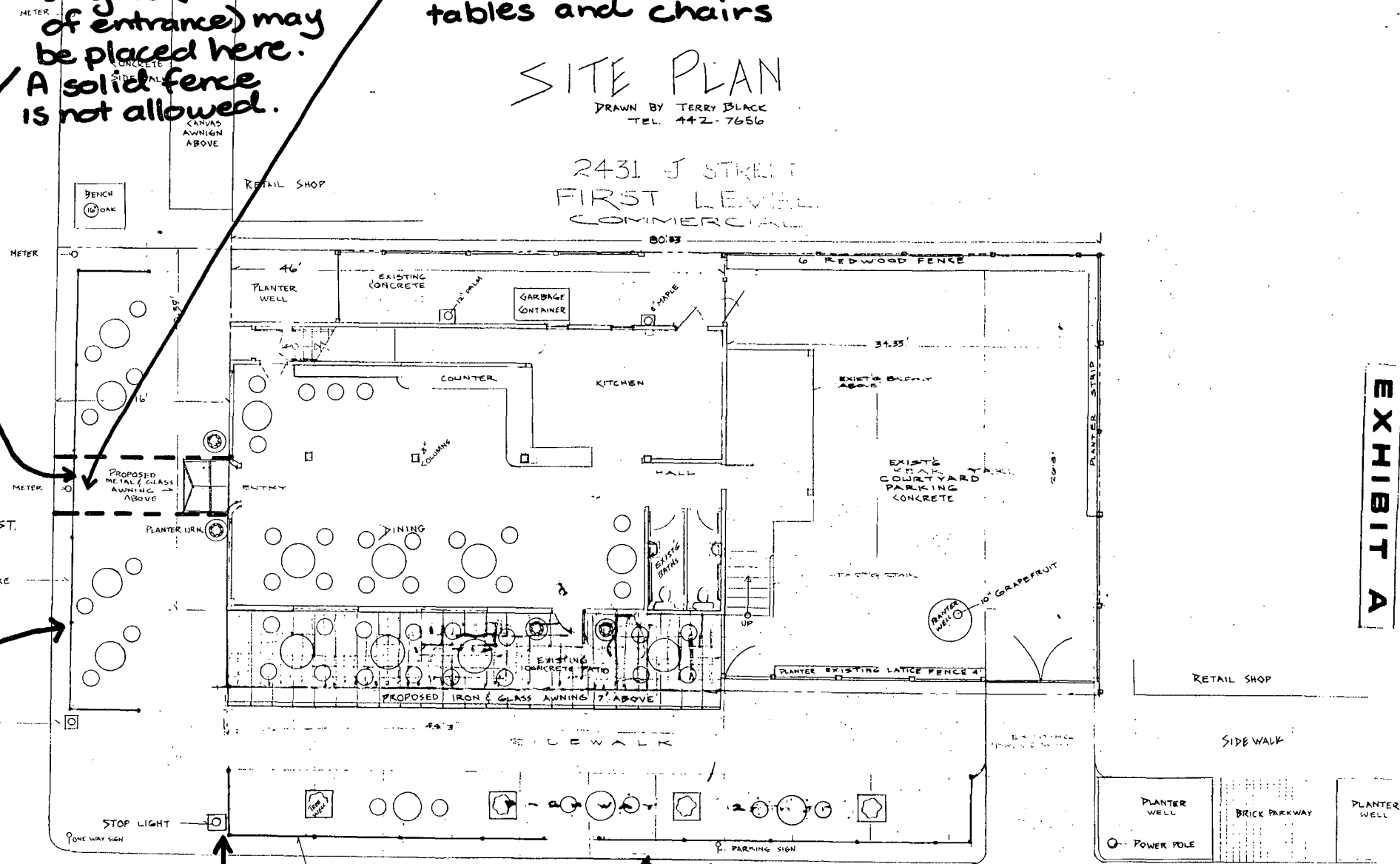


EXHIBIT A

293-061

11-9-93

Item 2

SITE PLAN

DRAWN BY TERRY BLACK
TEL. 442-7656

2431 J STREET FIRST LEVEL COMMERCIAL

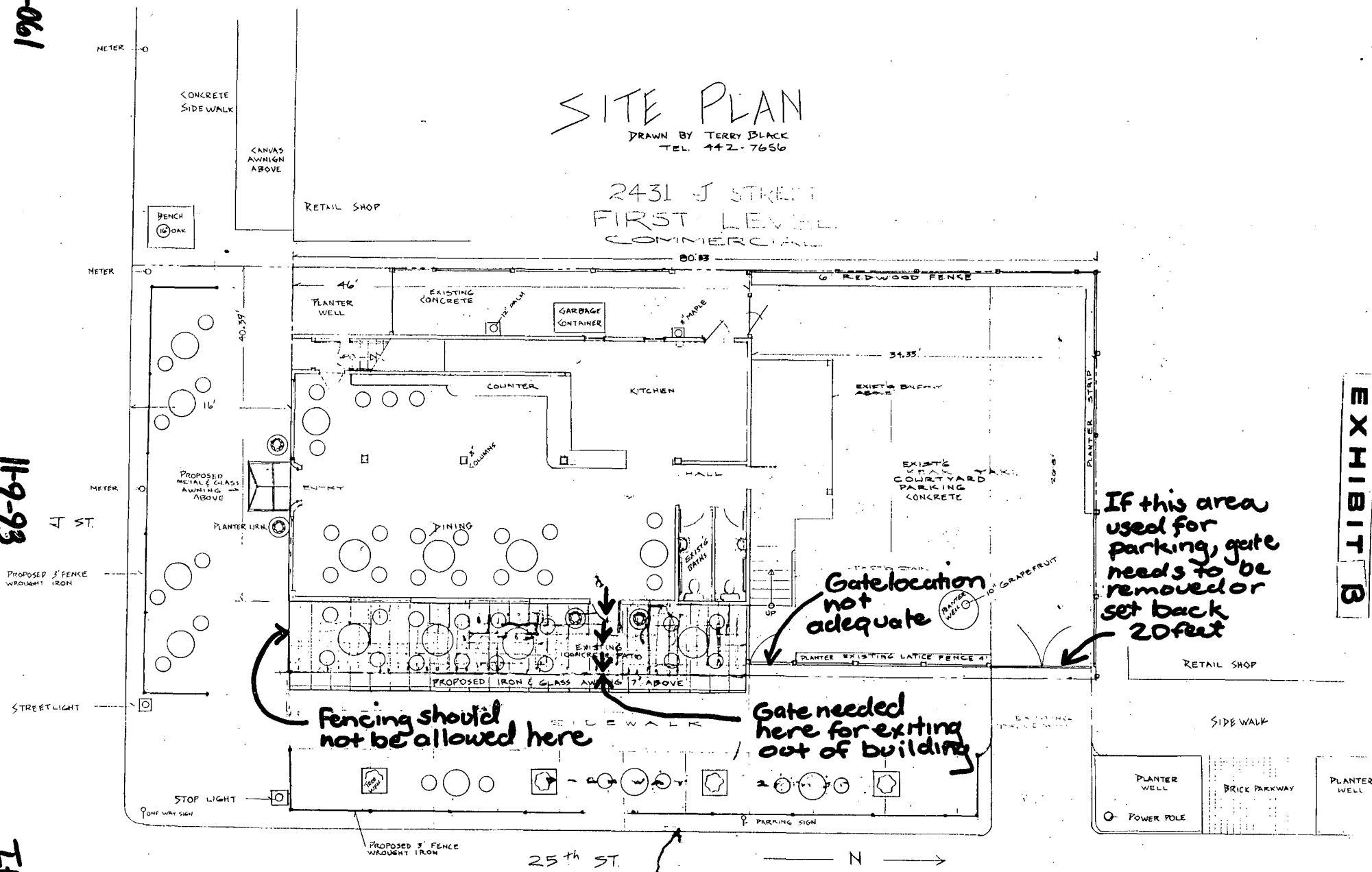
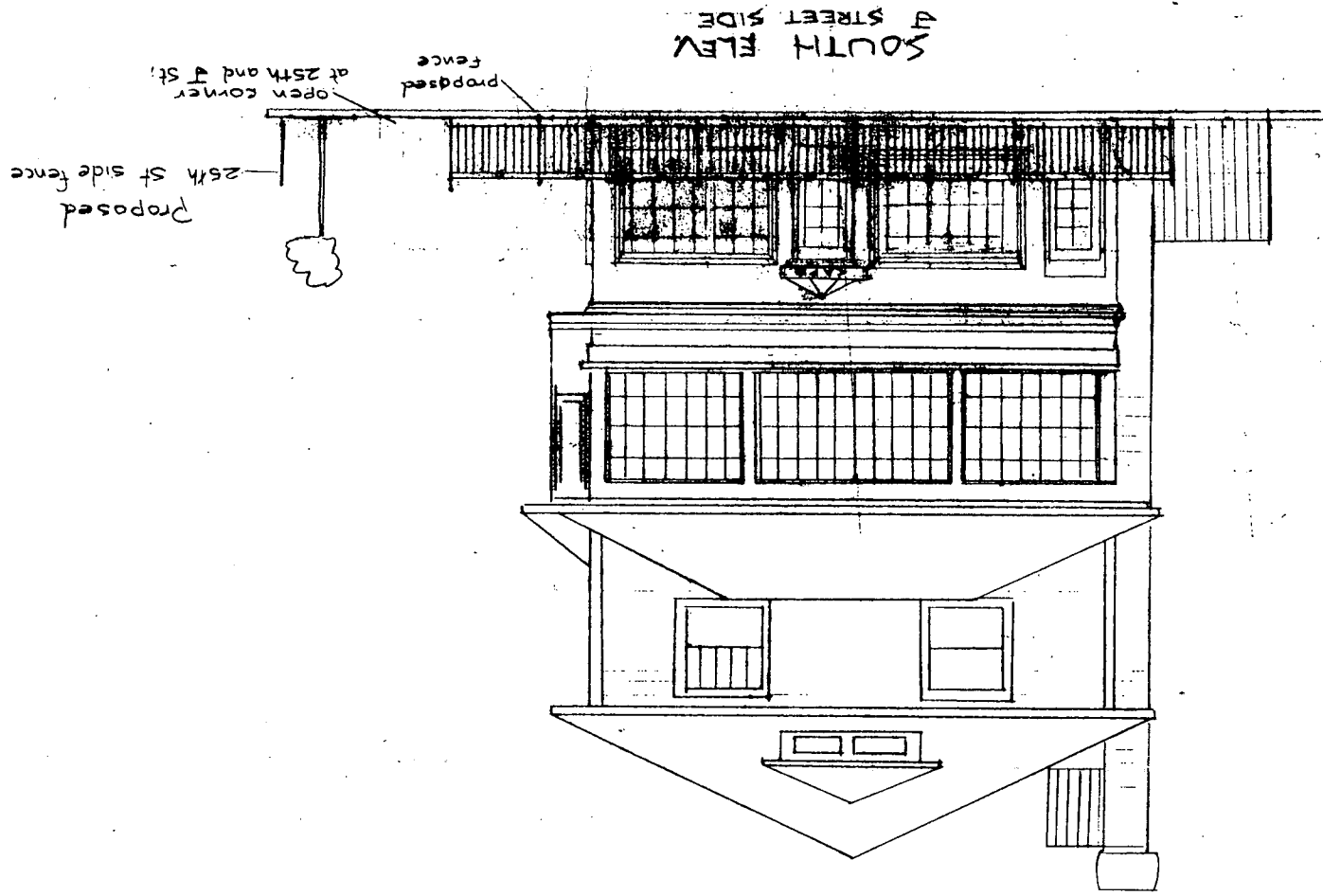


EXHIBIT B

EXHIBIT C



Item 2

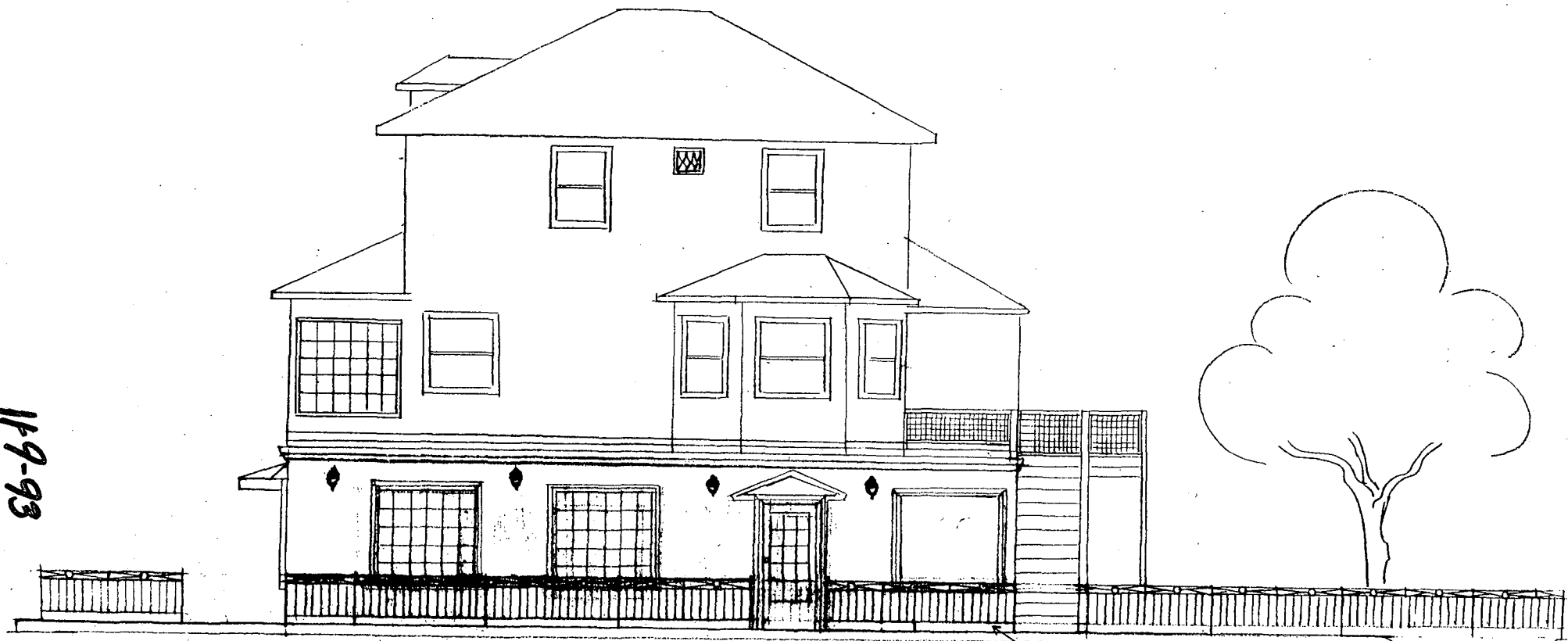
11-9-93

190-667

293-061

119-93

Item 2



25th St
WEST ELEVATION

2431 J ST.
OWNER - TERRY BLACK

Proposed Fence

EXHIBIT D