

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

ACTION OF THE ZONING ADMINISTRATOR

On Tuesday July 12, 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 Z94-062. 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 (C-2) zone.

Location: 2001 J Street

Assessor's Parcel Number: 007-0016-015

Applicant: Original Pete's Restaurant (Steve Presson)
555 University Avenue
Sacramento, CA 95825

Property Owner: David Fitch
10 Pine Lane
Los Altos, CA 94022

General Plan Designation: Community Neighborhood Commercial and Offices
Central City

Community Plan Designation: General Commercial
Existing Land Use of Site: Restaurant and Apartments
Existing Zoning of Site: General Commercial (C-2)

Surrounding Land Use and Zoning:
North: C-2; Office and Apartments
South: C-2; Commercial
East: C-2; Commercial
West: C-2; Commercial

Property Dimensions: 80 feet x 80 feet (Sidewalk)
Property Area: 0.15± acres
Parking Required: 0
Parking Provided: 0
Topography: Flat
Street Improvements: Existing
Utilities: Existing

Z94-062

JULY 12, 1994

ITEM 2

Project Plans: See Exhibits A-G

Additional Information:

The applicant proposes to locate 28 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 six tables with three seats and five tables with two seats. The building is on the corner and the proposed seating will be located along J 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 site is located within the Boulevard Park Neighborhood Association 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.

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 west gate shall be removed and replaced with solid fencing.
3. The main entrance (east entrance) shall have an entrance a minimum of three feet wide that shall remain open. A sliding gate may be used to lock the area after hours; however, a sign shall be posted that states: GATE TO REMAIN OPEN DURING BUSINESS HOURS.
4. No lights or signs shall be attached to or hung from the trees located in the sidewalk area.
5. The street tree wells will be enlarged in the near future and the fenced area shall be relocated to maintain a four foot wide clear zone of sidewalk area. The applicant shall construct a barrier around the tree well a minimum of 27 inches high (fence or planter) to meet the ADA requirements (see Exhibit G). 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 11:00 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. Size and location of the tables shall conform to the plans submitted.
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.

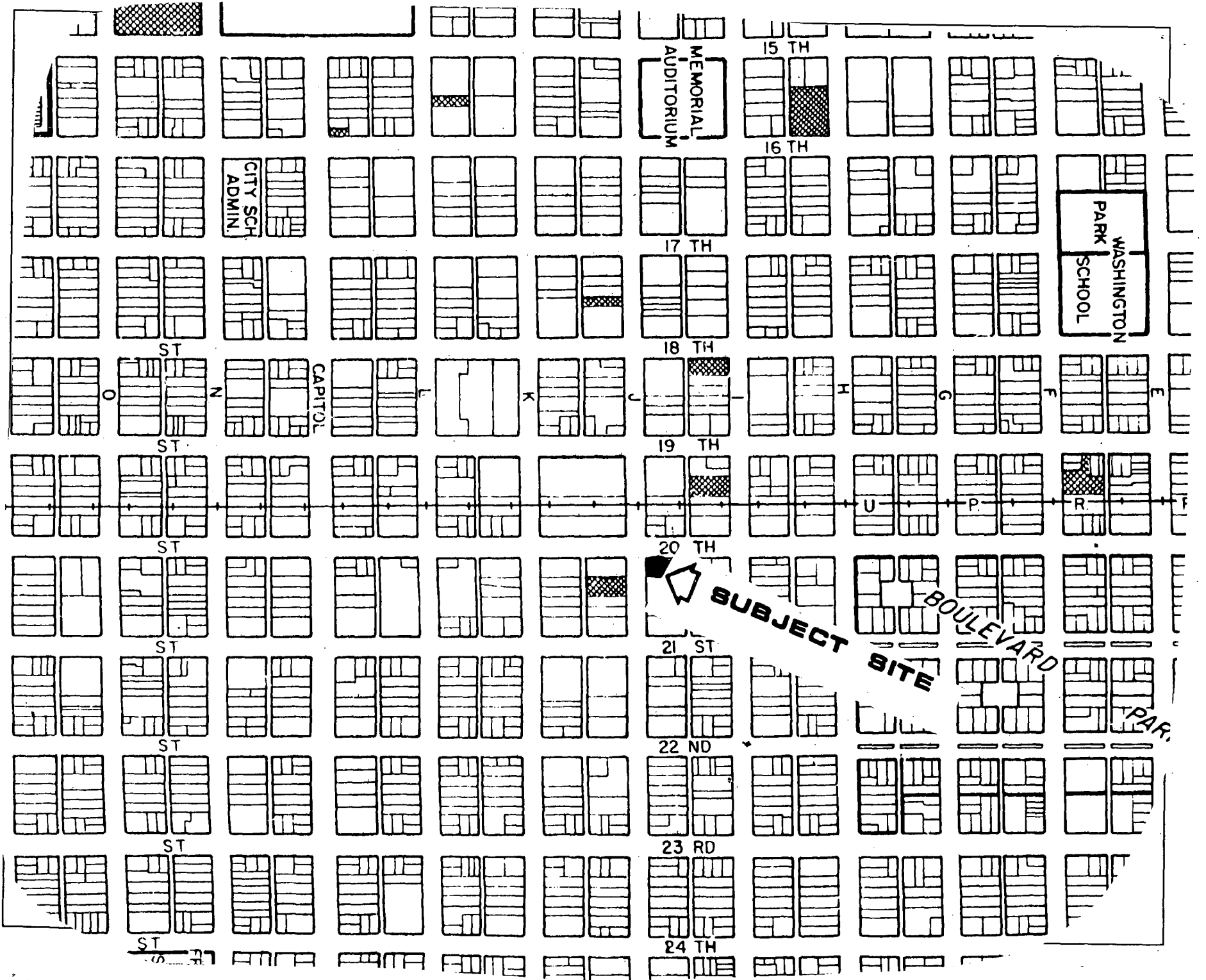
cc: File
Applicant
ZA Log Book
Police Department- Lynne Ohlson (Mail Code 2121)

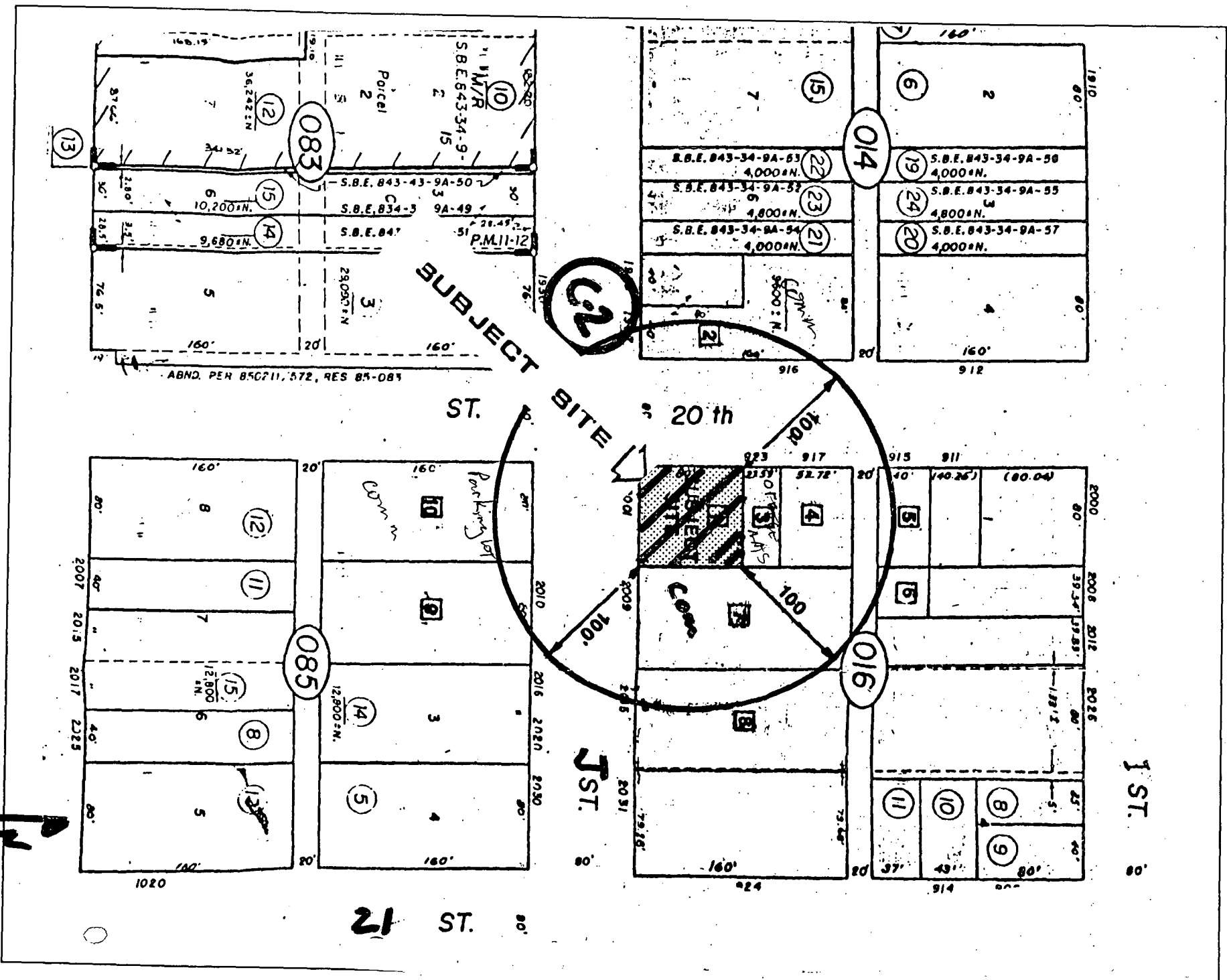
Z94-062

JULY 12, 1994

ITEM NO. 2

VICINITY MAP





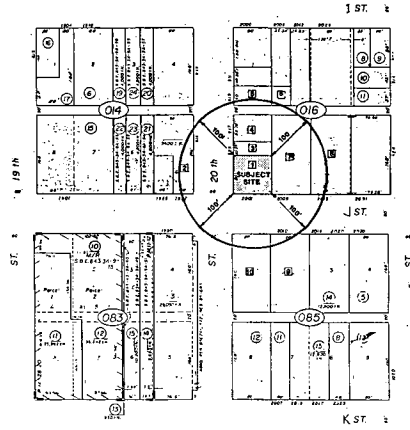
LAND USE & ZONING MAP

Z94-062

JULY 12, 1994

ITEM NO. 2

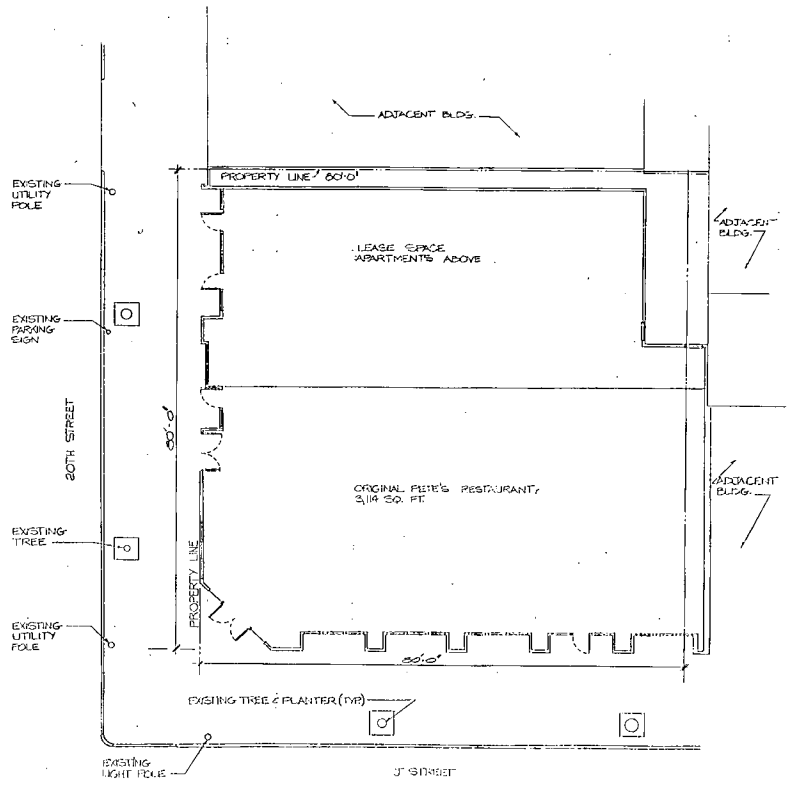
ORIGINAL PETE'S RESTAURANT 2001 J STREET SACRAMENTO, CALIFORNIA




PROPERTY OWNERSHIP MAP
SCALE: 1"=100'



VICINITY MAP
NO SCALE



SITE PLAN
SCALE: 1/8"=1'-0"



**LIONAKIS-BEALMONT
DESIGN GROUP**
910 9TH STREET - SACRAMENTO, CA 95814
916 • 884 • 9000 FAX 916 • 884 • 9910

ARCHITECT • ENGINEER • PLANNER • DESIGNER

JOSHUA W. BEHREND, AIA, PE C 07227
MELISSA S. BEALMONT, AIA, PE C 06817
SACRAMENTO, CA 95814 PE 02041

PROJECT NO. 04024 DATE: 4-28-94
DRAWN BY: M.L.V. CHECKED BY:

ARCHITECT ENGINEER

COMPLIANT

NO.	REVISION	AUTHOR/DATE	DATE	BY

AGENCY APPROVALS

PROJECT

**ORIGINAL PETE'S
RESTAURANT**
2001 J ST.
SACRAMENTO CA 95814

1/2 PLAN

SHEET NO.

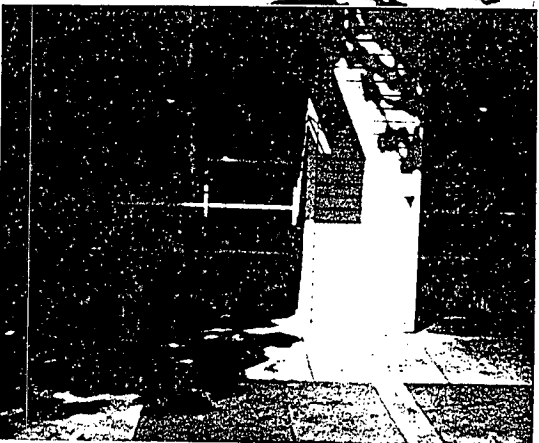
**SITE PLAN
LOCATION MAP
100' RADIUS MAP**

SHEET NO.

A-1

SHEET NO. OF TOTAL SHEETS

I T E M 2
JULY 12, 1994
290-462



Z94 062

294-062

JULY 12, 1994



ITEM 2

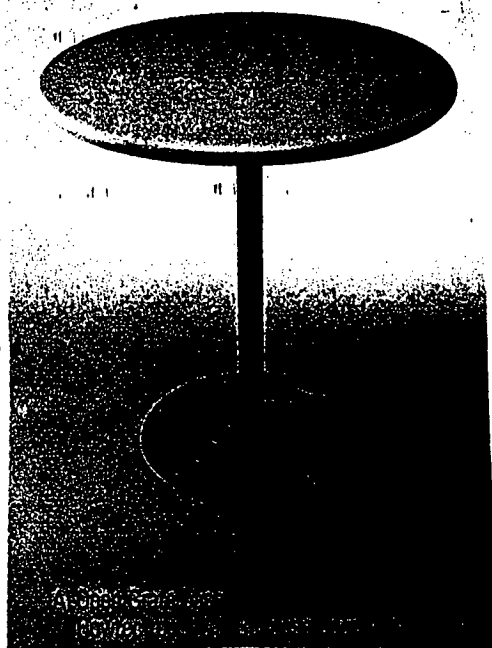
EXHIBIT D

EXTERIOR
FURNITURE



Stacking Cafe Chair 2F320

PROPOSED CHAIR



294 062

PROPOSED TABLE

294-062

JULY 12, 1994

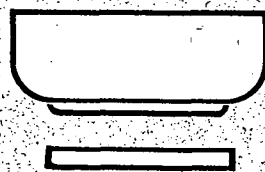
ORIGINAL PETE'S

ITEM 2

EXHIBIT - E



XP SERIES



STOCK NO.	SAUCER	INSIDE DIAMETER	INSIDE HEIGHT	APPROX. WT.
XP-12	SC-10	12 $\frac{3}{4}$ "	5 $\frac{1}{2}$ "	12 lbs.
XP-16	SC-14	16 $\frac{3}{4}$ "	6 $\frac{3}{4}$ "	22 lbs.
XP-22	SC-20	23 $\frac{1}{4}$ "	9 $\frac{1}{4}$ "	34 lbs.
XP-30	SC-24	30"	11 $\frac{1}{2}$ "	62 lbs.

294 062

294-062

JULY 12, 1994

ITEM 2

EXHIBIT F



794 262

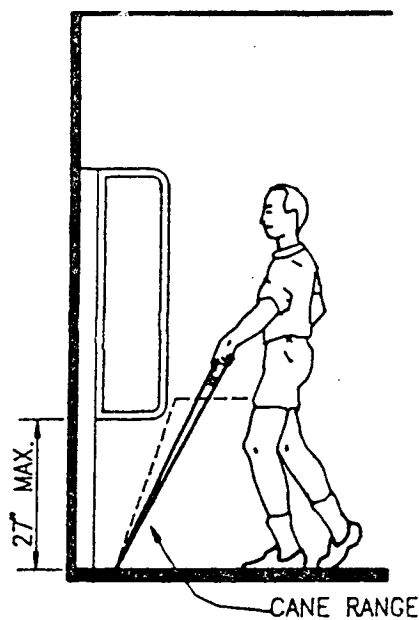
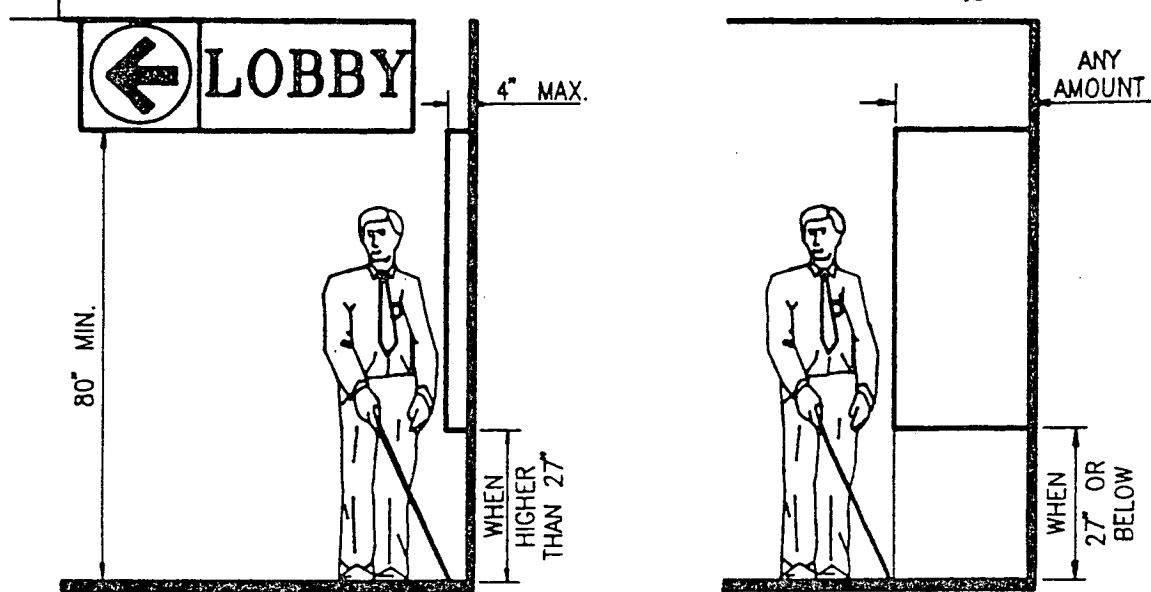
2 94-062

July 12, 1994

Item 2

EXHIBIT - G

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