

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

ACTION OF THE ZONING ADMINISTRATOR

On Wednesday, October 9, 1996, the Zoning Administrator approved a special permit to waive 5 parking spaces for the conversion of a 3,000± square foot retail building to a 50 seat restaurant on 0.11± developed acres in the General Commercial (C-2) zone known as Z96-132. Findings of Fact and conditions of approval for the project are listed on pages 3-5.

Project Information

Request: Zoning Administrator Special Permit to waive 5 parking spaces for the conversion of a 3,000± square foot retail building to a 50 seat restaurant on 0.11± developed acres in the General Commercial (C-2) zone.

Location: 4701 H Street (D3, Area 1)

Assessor's Parcel Number: 004-0311-012

Applicant: BruCal Enterprises, LLC (c/o Tim Swan)
Cornish & Carey Commercial, 1601 Response Rd., Ste 160
Sacramento, CA 95815

Property Owner: Robert and Helen Swan
4151 Clyde Ct.
Sacramento, CA 95819

General Plan Designation: Community/Neighborhood Commercial and Offices
Existing Land Use of Site: Vacant Retail Building
Existing Zoning of Site: General Commercial, C-2

Surrounding Land Use and Zoning:

North: R-1; Single Family
South: R-1; Single Family
East: C-2 & R-1; Single Family
West: C-2& R-1; Vacant, Office, Single Family

Property Dimensions: 52' x 100'
Property Area: 0.11± acres

Parking Provided: 0
 Parking Required: 5
 Parking Credit: 12 spaces are credited for the previous 3,000 sq. ft retail use
 Topography: Flat
 Street Improvements: Existing
 Utilities: Existing

Project Plans: See Exhibit A

Background Information The proposed project was submitted in February 1996 as a Planning Commission variance to waive 8 parking spaces for a 60 seat restaurant/bakery. The applicant met with the neighbors and heard concerns of providing on-site parking to reduce the impact of the business parking on the street in front of the residential properties. The applicant provided several modifications to the plans to incorporate parking either on-site or off-site. Some proposed modifications included diagonal parking and the abandonment of 10 feet of 47th Street to provide additional off or on-site parking. However, for various reasons these modifications were rejected either by City staff or the applicant.

In May 1996, the Zoning Ordinance was amended to permit the Zoning Administrator to approve the reduction or waiver of the required parking for non-residential buildings not exceeding 10,000 square feet. The proposed project is a 3,000 square foot building, therefore, the request to waive parking may be heard by the Zoning Administrator.

Additional Information: The applicant is requesting to waive five parking spaces for a proposed restaurant/bakery to be known as Brueggers Bagels. The existing vacant 3,000 square foot retail building was previously used as a pharmacy. The applicant proposes to convert the existing building to a 50 seat restaurant. When constructed the building had approximately three parking spaces at the front (south) of the building. These spaces backed-out onto H Street. The building has been vacant longer than a year and Public Works will not support back-out parking onto H Street due to the high volume, high speed traffic on H Street.

The site is a 5,200 square foot lot developed with a 3,000 square foot building. The building is set back from the property lines but there is not adequate area on site to provide parking which complies with city standards. The site therefore is given a parking credit of 12 spaces based on the previous retail use. The proposed 50 seat restaurant use requires one space for every three seats. The proposed change in use from retail to restaurant use requires a total of 17 parking spaces, however this total is reduced to five spaces after applying the parking credit.

The proposed project is located in an area which is predominately single family residential. The properties fronting H Street immediately adjacent to this site, on the east, and properties to the west of this site are C-2 zoned properties. The property to the east is

developed with a single family residence, The properties to the west are undeveloped or developed with an office and convenience store. A residential permit program is in place in the neighborhood north of H Street, west to 47th Street due to Sutter Memorial Hospital. There is available parking on the street, many residents in the neighborhood are concerned with the customers of this restaurant parking in front of their homes. Four parallel on-street parking spaces are available adjacent to this site, as well as four across the street adjacent to the undeveloped commercial property. The proposed use should have adequate on-street parking available for its employees adjacent to the site. The customers will probably utilize the parking adjacent to the residential properties, however this should be of a short term duration with high turnover. The applicant has also indicated that they propose to be a neighborhood oriented use pulling their clients from the surrounding neighborhoods within walking distance of this site.

Some residents are also concerned with the increase in traffic that this use will generate. Public Works does not see the proposed project as increasing traffic above what has been identified in the General Plan.

The proposed project has been noticed and staff has received several calls. The calls have been a mixture of support and opposition, with more calls of support than opposition. Staff has received a letter in opposition (Attachment A). The project is located within the boundaries of the East Sacramento Improvement Association which supports this project. There were five neighborhood residents in attendance at the public hearing. Concerns expressed included the increase of traffic in the area, the possibility of customers parking the residential neighborhood, and increased noise if a restaurant were to locate in the now vacant building.

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 15301(a)}.

Conditions of Approval

1. The hours of operation for the restaurant/bakery shall be from 6:30 a.m. to 8:00 p.m.
2. Sale of alcohol shall be prohibited at this site.
3. The project shall be limited to 50 seats. No benches will be provided for a waiting area.
4. If outdoor seating is provided the total seating on-site (inside and out) shall not exceed 50 seats.
5. The property owner and tenant shall require employees to park adjacent to the commercial properties and shall discourage employees from parking in front of the

residential properties. The tenant shall encourage employees to walk or bike to work where possible.

6. Eight bicycle parking facilities (50% to be Class 1) shall be provided on the site. Subject to Zoning Ordinance requirements.
7. No outdoor amplified music.
8. The owner or his representative and the tenant shall join the East Sacramento Improvement Association and attend regular meetings.
9. A minimum four foot perimeter landscape planter shall be constructed along the south and west property lines. Landscape plans shall be reviewed and approved prior to issuance of building permits.
10. The northern wall of the existing trash enclosure shall be masonry.
11. A fence shall be constructed along the north property line between the trash enclosure and the west property line. The fence shall not exceed six feet in height. The lower three feet of the fence may be solid, the upper three feet shall be open to provide visibility. The applicant shall work with the neighbor to the north to provide a fence acceptable to each party.
12. The tenant shall monitor and pick-up of trash daily within the following area: along 47th Street from H Street to F Street and within a 100' east and west on H Street and 100' south of 47th and H Streets.
13. A minimum of one free bus pass shall be made available to an employee utilizing the bus.
14. The tenant shall prepare and distribute a flyer within a two block radius of the site indicating the name of the tenant, a contact person to answer questions and a 24 hour contact person in case of emergencies.
15. The owner of the property shall meet with the neighbors to inform them of the tenant if other than Brueggers.

Findings of Fact:

1. The proposed project, as conditioned, is based upon sound principles of land use in that:
 - a. the retail building is existing and in good condition,
 - b. the building was constructed with little or no on-street parking,

- c. the building is less than 3,000 square feet, and
 - d. the owner and tenant of the property shall work with the employees to minimize the parking in front of residential properties.
2. The proposed project will not be detrimental to the public health, safety or welfare or result in the creation of a nuisance in that:
- a. adequate on-street parking is available in the area, and
 - b. the building will be occupied contributing to the vitality of the area.
4. The project is consistent with the General Plan Land Use designation of Community/Neighborhood Commercial and Offices in which a restaurant is permitted and consistent with the General Plan policies which:
- a. promote the re-use and revitalization of existing developed areas;
 - b. discourage graffiti and blight by utilizing existing vacant building; and,
 - c. the project is compatible to the adjacent land uses.

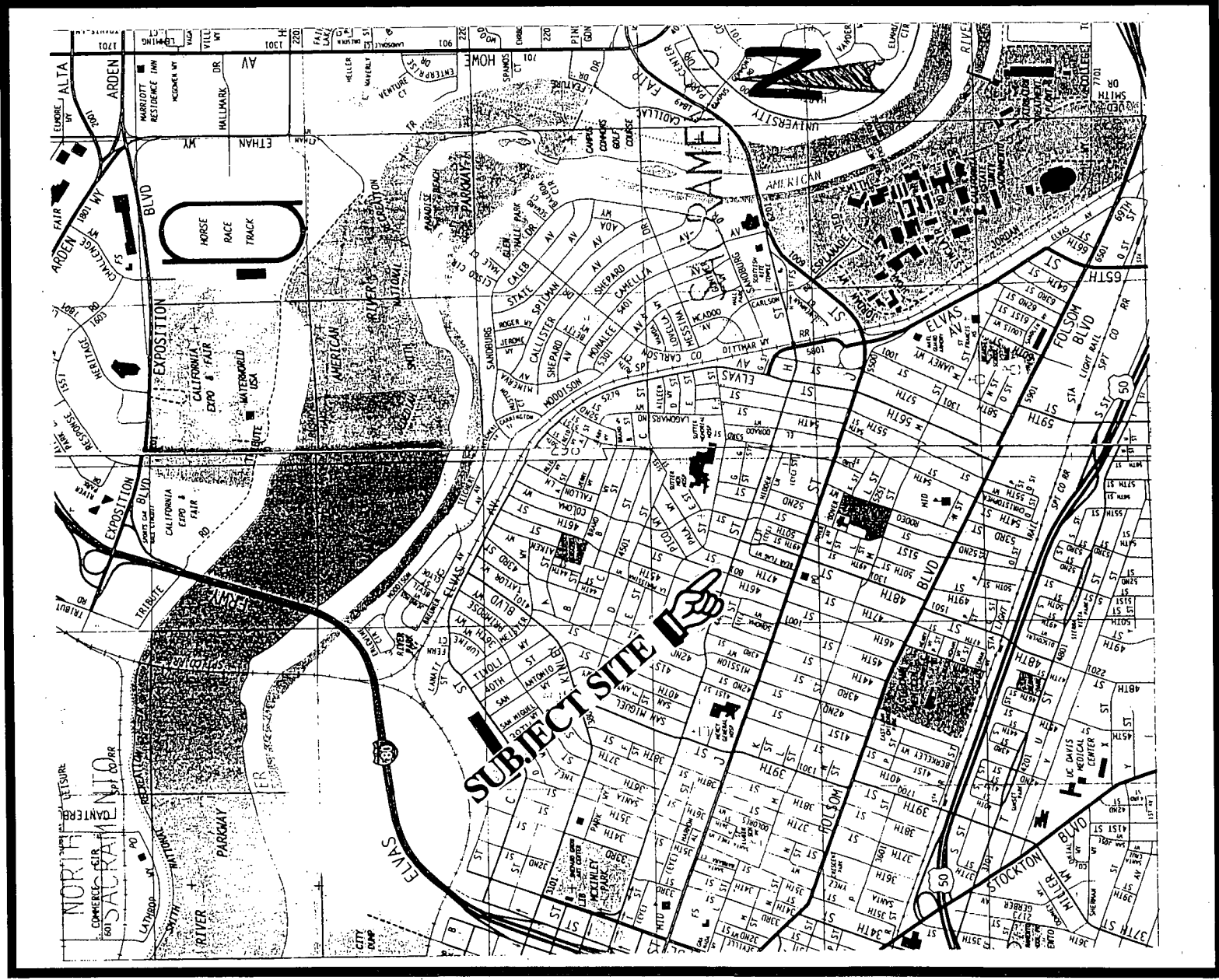
Joy D. Patterson

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 ✓
Mr. Carroll, 741 47th Street, 95819 ✓
Lawrance Lynch, 711 47th Street, 95819 ✓
Frank Anderson, 809 47th Street, 95819 ✓
Jenni & Ed Pfeiffer, 616 47th Street, 95819 ✓

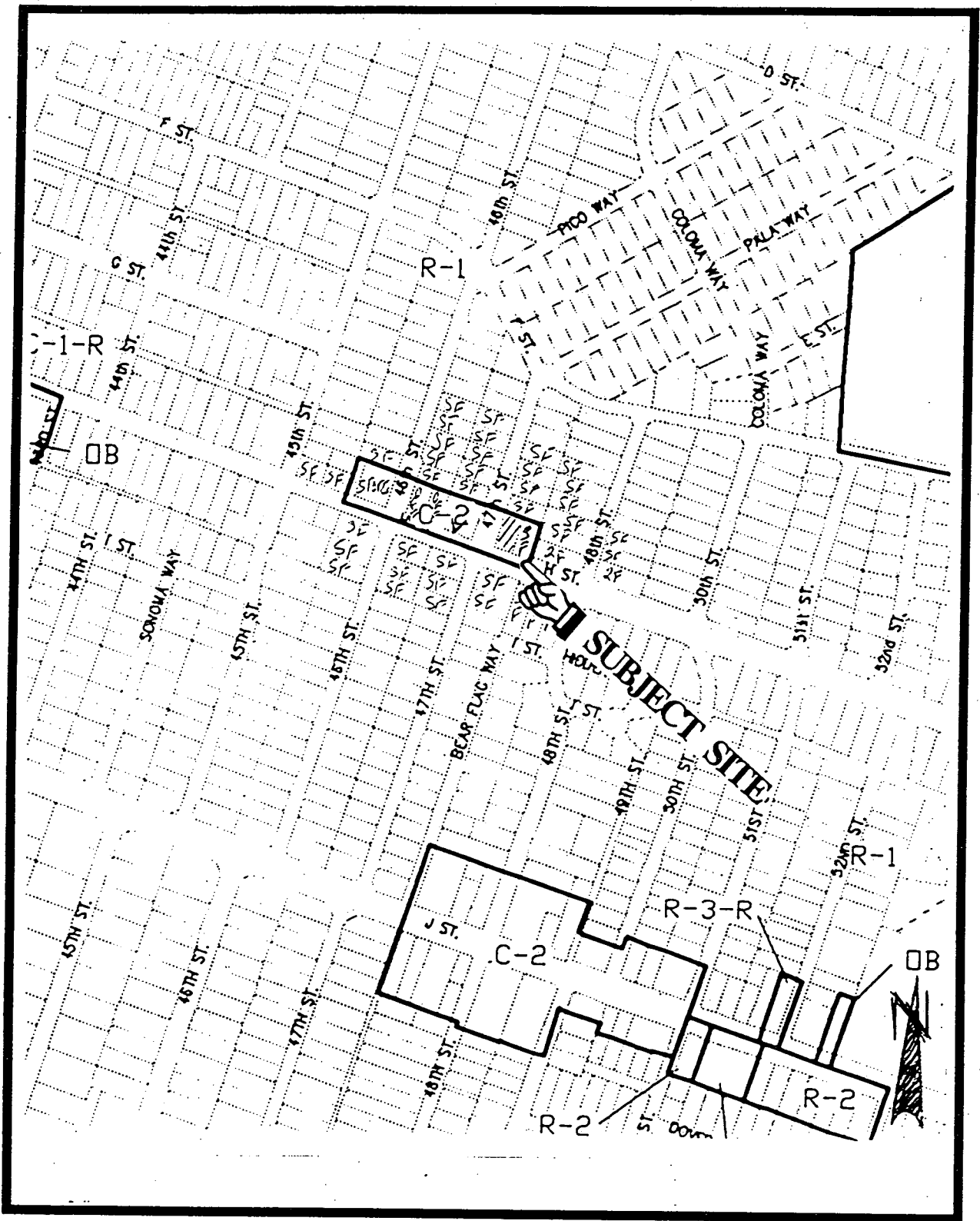


VICINITY MAP

1996
October 9, 1996

Z96-132

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LAND USE AND ZONING MAP

611-262

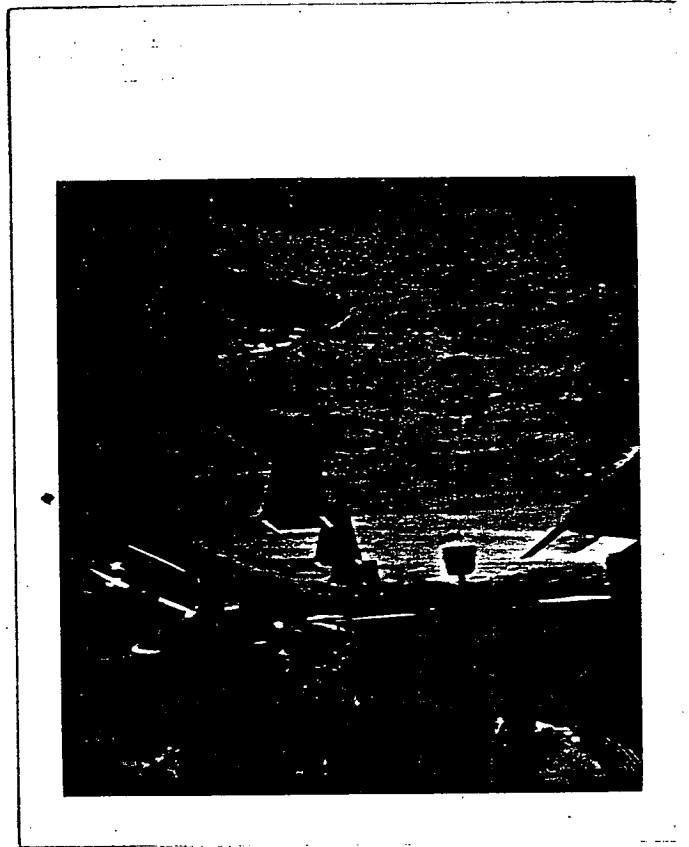
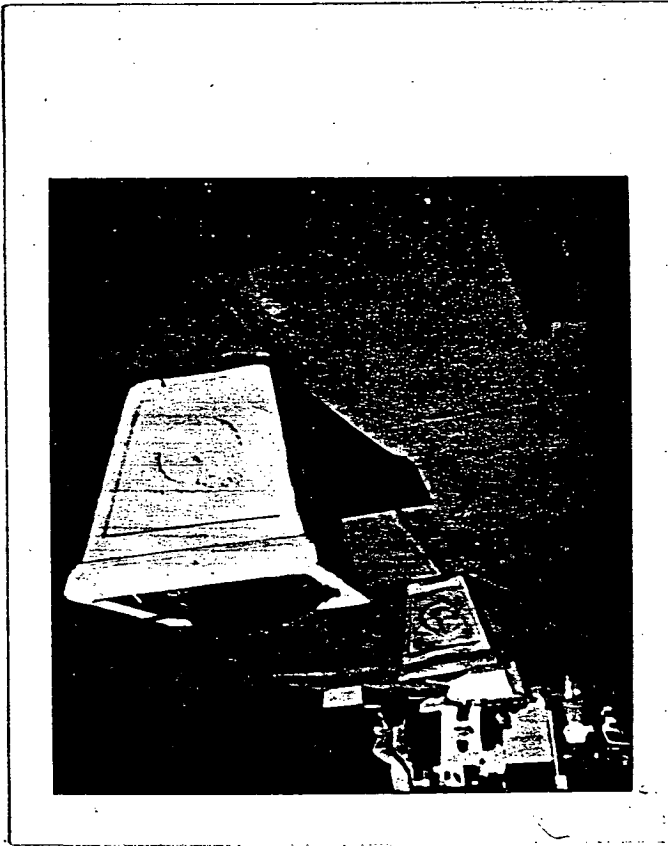
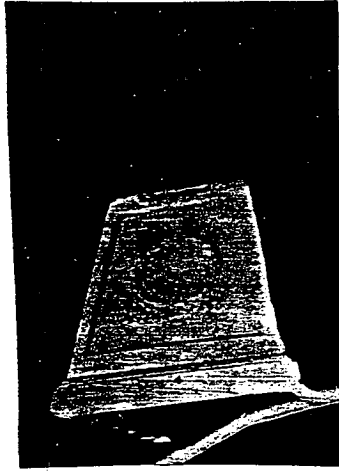
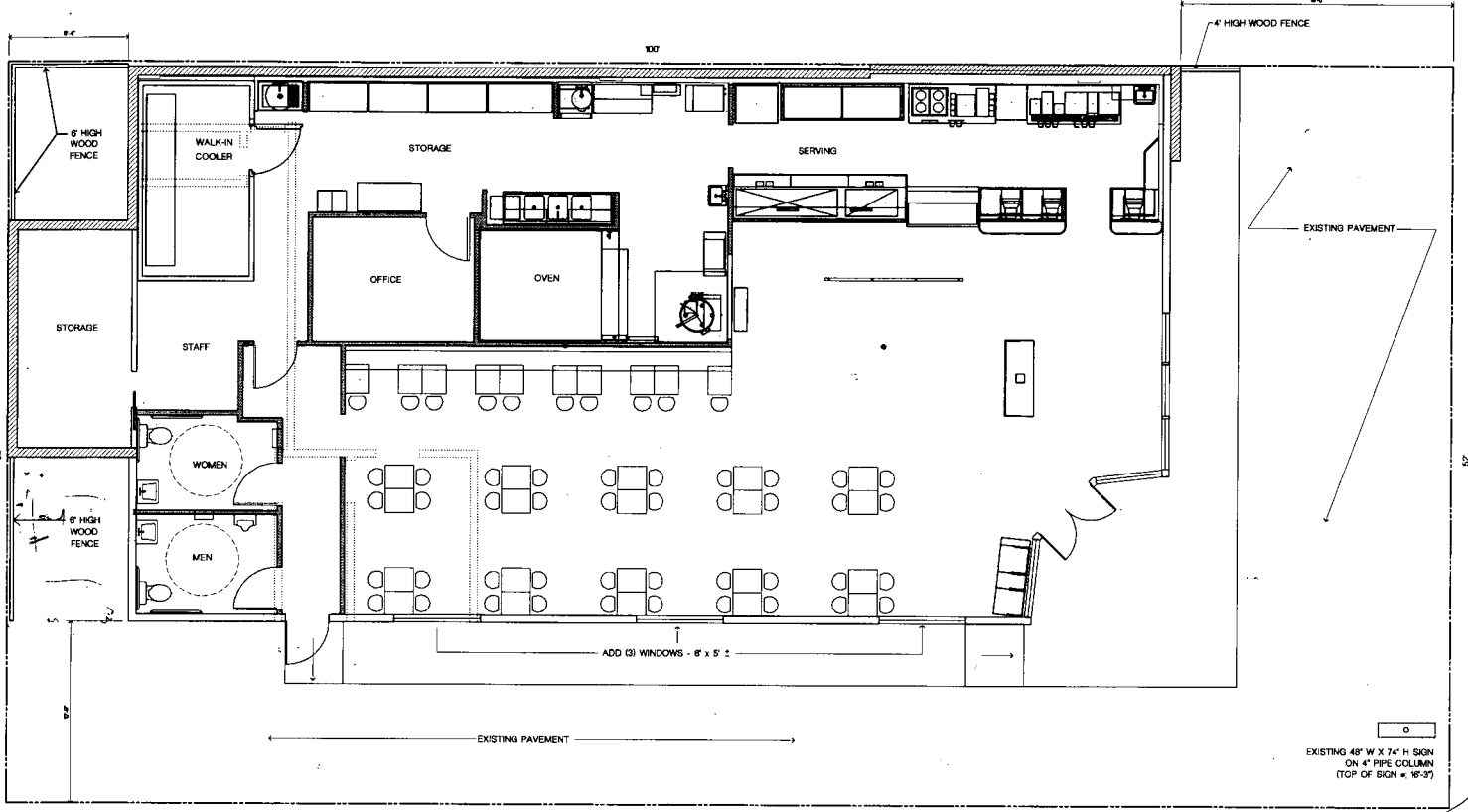


EXHIBIT B

EXHIBIT A

↑ N



4 7 t h S T R E E T

H ' S T R E E T

STATISTICS	
SITE AREA	5,200 ± 62 FT.
BUILDING AREA	2,866 ± 93 FT. BEAT# 60

WALL LEGEND	
-----	EXISTING STUD WALL TO BE REMOVED
—	NEW STUD WALL

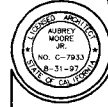
FLOOR PLAN

DRAWING NUMBER:
1

Shopper's approval:	
Contractor's approval:	
Shopper's Bagel Bakery job no.:	
SCALE: EXCEPT AS NOTED	1/4" = 1'-0"
JOB #:	088.001
DATE ISSUED:	

BRUEGGER'S BAGELS
BAKED FRESH
4701 H STREET SACRAMENTO, CA

ARCHITECT AND ASSOCIATES
879 "P" STREET
SUITE A
DAYS, CA 95618
(916) 758-0808



Audrey Moore
P.

Z96-132

10-9-96

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ATTACHMENT A

JAMES AND MICHELLE MCFETRIDGE
608 47TH STREET
SACRAMENTO, CALIFORNIA 95819
(916) 736-0913

October 7, 1996

Jeanne Corcoran
City Planning Division
1231 I Street, Room 300
Sacramento, CA 95814-2998

RE: Z96-132
4701 H Street
APN: 004-0311-012

Dear Ms. Corcoran:

Please accept this letter as our comment and protest against the referenced proposal. My wife, Michelle, and our two children reside on 47th Street between H and F Streets. For the following reasons, we believe that the proposed waiver has detrimental ramifications to all property owners in the subject area.

The block of 47th Street between H and F Streets is one of the most picturesque in East Sacramento. Visitors to our neighborhood compliment the street for its tall trees and charming Tudor-style homes. Our street is also quiet and it enjoys a certain solitude, even though it is not far from H Street.

The pleasant atmosphere of 47th Street will be ruined if a 50 seat restaurant is placed at 4701 H Street and if vehicles are permitted to park along the sidewalks. By allowing this restaurant to function without minimizing parking intrusions on 47th Street between H and F Streets, our neighborhood will become noisy, congested, unsafe and devalued.

It is not difficult to figure that patrons will automatically park on our stretch of 47th Street if parking is inadequate at the restaurant. Patrons will not want to park on busy and speedy H Street. Nor will they park on 47th Street between H and J Streets because then they will have to cross H Street. They will all park on 47th between H and F Streets because they will not want to risk being hit by fast-moving traffic as they exit and enter their vehicles and parking spaces, as they would on H Street. By parking on 47th Street between H and F Streets, customers will have a safe and short walk to the restaurant.

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Jeanne Corcoran
RE: Z96-132
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Not only will patrons have to find parking, but employees will need to park their cars as well. I also understand that this will be a bagel shop, so we can also plan for customers who are buying bagels to take home, adding additional vehicles. The owners who are proposing this special permit will do everything they can to ensure that their restaurant is filled to capacity--otherwise, what is the point of starting this kind of business there? This means that the restaurant can and should expect to have up to 50 vehicles owned by customers and employees parked at any given time. And where are most of them going to park? On 47th Street between H and F Streets.

Safety is another critical factor to consider. Right now, our street is clear of parked cars, except for one or two parked on each side of the street. Cars parked bumper to bumper along each side of 47th Street will create a hazard for small children because oncoming cars will not be able to see them between the parked vehicles. This is a classic "child dart-out" situation that must be avoided at all costs. We have two young children, as do our next door neighbors, Edward and Jennifer Pfeiffer, and our neighbors across the street, Chris and Cheryl Holben. We keep an eagle eye on our kids, but it is not always possible to restrain them from chasing after a ball or walking across the street to see their friends. Parked cars on each side of our street will make it very unsafe for our children.

A final concern is the impact on property values. The values of our home and other homes in this neighborhood have recently declined. Prospective home buyers will immediately notice that our street has parked cars on it while other nearby streets do not. Obviously, this will be used as leverage to reduce an offer made on any home on our street. We do not need any more reduction in our property values, which is exactly what will happen if this project is permitted.

For all of those reasons, we are against any permit to waive the 5 parking spaces. It goes without saying that we are also against a 50 seat restaurant. If you have any doubts about the concerns we have raised, take a drive over to the 33rd Street Bistro on Folsom Boulevard during the lunch or dinner hour, especially on weekends. You will find that most cars for that restaurant are parked on the residential portion of 33rd Street, as there is insufficient parking behind the restaurant and it is not safe to park on Folsom. This is what will happen to 47th Street if the permit is granted.

We do not want to be "naysayers" or "NIMBY" (Not In My Back Yard), but we were here first and we have much more to lose than the restaurateurs and the current property owners. The proposed 50 seat restaurant at 47th and H Streets is unacceptable. There must be adequate parking spaces on the property and the seating capacity should be reduced to less than 15 seats, with an emphasis on a "food to go" facility, not a sit down restaurant. If the zoning permit passes, then we request (1) "no parking" signs to be placed in front of all

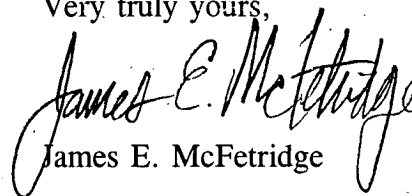
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residences on 47th Street between H and F Streets, subject to tow away rights by all residents, (2) speed bumps to be placed at 50 foot intervals on 47th Street and (3) signs cautioning drivers to slow for children installed for traffic moving in both directions on 47th Street.

Thank you for your time and attention and please contact us at the telephone number above if you have any questions. I would also appreciate a written response to the concerns raised in this letter.

Very truly yours,

A handwritten signature in cursive script that reads "James E. McFetridge". The signature is written in black ink and is positioned above the printed name.

James E. McFetridge

cc: Steve Cohn

OCT 07 1996

OCT. 3, 1996

RECEIVED
MS. JEANNE CORCORAN
CITY PLANNING
1231 - I STREET ROOM 200
SACRAMENTO, CA. 95814

Re: 296-132

DEAR MS. CORCORAN :

AS A NEARBY RESIDENT OF 4701 -
H STREET, I AM TOTALLY OPPOSED TO
HAVING A BAGEL SHOP (BRUEGLES) IN
THIS NEIGHBORHOOD.

MY REASONS ARE QUITE SIMPLY
THE FOLLOWING:

1) BAGELS ARE A FAST FOOD. THIS
WOULD NOT BE A "RESTAURANT". THE
BUSINESS HOURS THAT ARE PROPOSED
(6 A.M. - 8 P.M.) ARE NOT CONDUCTIVE
TO A RESIDENTIAL AREA.

2) IF THIS "RESTAURANT" HAS A
CAPACITY OF 50, THERE IS NOT SPACE
FOR VERY MANY CARS. MOST VEHICLES
THAT PASS THRU THIS AREA ON
H STREET HAVE GENERALLY ONLY 1
PERSON PER VEHICLE. THERE IS NOT

SPACE FOR 50 VEHICLES AT THIS LOCATION NOR WOULD THIS BE AN APPROPRIATE SITUATION FOR THIS NEIGHBORHOOD.

3) THERE ARE NO OTHER SUPPORT BUSINESSES IN THE AREA TO JUSTIFY THIS TYPE OF BUSINESS. THE HORRIBLE TRAFFIC ON H STREET MERELY PASSES THRU THE AREA FOR THE MOST PART. THEY DO NOT SUPPORT BUSINESSES IN THE EAST SACRAMENTO AREA. WOMBLE'S DRUG STORE WHICH CLOSED AT THIS LOCATION OFFERED FREE DELIVERY AND THEY CLOSED FOR LACK OF BUSINESS.

I KNOW THAT THE OWNER MUST BE DESPERATE TO HAVE SOMEONE IN 4701 H STREET, BUT THERE HAS GOT TO BE A BUSINESS THAT WOULD BE MORE COMPATIBLE FOR THIS NEIGHBORHOOD THAT OPERATES ONLY DURING THE 8 A.M. TO 5 P.M. TIME FRAME AND WOULD BE MORE SUITABLE FOR THIS LOCATION.

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PLEASE DENY THE PROPOSED
PROJECT CALLED 296-132 FOR
4701-H STREET.

SINCERELY, Ron Petersen

RON PETERSEN
711-48TH STREET
SACRAMENTO, CA. 95819

DAY PHONE: (916) 264-5459