

P96-052 - Cafe Bernardo Expansion

- REQUEST:**
- A. Special Permit to allow a sidewalk cafe in the public right of way in the C-2 zone.
 - B. Variance to waive 13 required parking spaces for a 2,100 square foot 55 seat restaurant expansion.

LOCATION: 2728, 2730 Capitol Avenue
APN 007-00172-020
Central City Community Plan Area
Council District 3

APPLICANT: Jim Bob Kaufman, Architect
1808 Q Street
Sacramento, CA 95814

OWNER: Lowell Renz, M.D.
3000 L St., Suite 200
Sacramento, CA 95816

APPLIC. FILED: May 27, 1996

STAFF CONTACT: Mark Kraft, 264-8116

SUMMARY:

The applicant is requesting entitlements to allow the expansion of an existing 2,100 square foot restaurant (Cafe Bernardo) by an additional 2,100 square feet, utilizing existing vacant commercial space within the same building. The applicant also wishes to provide additional sidewalk cafe seating (16 seats) within the public right of way. Although the restaurant expansion is allowed by right within the C-2 zone, City zoning

regulations would require 13 off-street parking spaces to serve the new use of the building space (after providing a 5-space credit for the previous retail uses in the space). The applicant is requesting that the City waive this parking requirement, since there are no parking spaces available on the project site, or in the vicinity, to accommodate the new use.

The central issue associated with this proposal is the availability of on-street and off-street parking in the vicinity, which includes both commercial and residential uses. The restaurant operator currently leases two parking lots, on N Street between 27th and 28th Streets, which provide 103 off-street parking spaces to serve Cafe Bernardo as well as Paragary's and Capitol Grill restaurants. Staff has conducted surveys to assess the availability of on-street parking within a two to three block area surrounding the site, during the restaurant's hours of operation. The survey does not indicate that there is presently an on-street parking problem.

RECOMMENDATION:

Staff recommends approval of the project subject to conditions. This recommendation is based on the project's consistency with existing General Plan, Community Plan, and zoning designations and with policies regarding commercial uses in the General and Community Plans, as well as the current availability of on-street as well as off-street parking in the project vicinity.

PROJECT INFORMATION:

General Plan Designation:	Community/Neighborhood Commercial & Offices
Community Plan Designation:	General Commercial
Existing Land Use of Site:	Two story building with restaurant, retail and residential
Existing Zoning of Site:	C-2

Surrounding Land Use and Zoning:

North: Commercial Residential; C-2
 South: Office, Parking, C-2
 East: Commercial (RT); C-2
 West: Office; C-2

Property Dimensions: 80' x 80'
 Property Area: 6,400± sf
 Building Size: 12,800 sf

Restaurant Size: 2,950sf
 (Existing)
 Restaurant Size: 5,050sf
 (After Expansion)
 Height: Two-story
 Parking Provided: 0 spaces
 (On-site)
 Parking Provided: 103 spaces
 (Sutter lot)
 Parking Required: 13 (after 5 space credit)
 Topography: Flat
 Street Improvements: Existing
 Utilities: Existing

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

<u>Permit</u>	<u>Agency</u>
Design Review	Development Services
Encroachment Permit	Public Works
Building Permit	Building Division
Sign Permits	Building Division

BACKGROUND INFORMATION:

The structure in which Cafe Bernardo is located was built about 1930, and has never had parking associated with it. Since its construction, the building has been occupied by general retail uses on the ground floor, with 11 apartments above.

In 1992, Cafe Bernardo received approval for a 40 seat restaurant on the site. Approval of this use was accompanied by a variance to waive eight required parking spaces (P92-001). In 1994, the restaurant received approval to expand by 36 seats, including a variance to waive five additional parking spaces (P93-168). As part of this application, a Special Permit for a 70 seat sidewalk cafe was also granted. However, only half of this sidewalk cafe, (34 seats) was constructed, pursuant to this approval.

The applicant is now proposing to expand the restaurant by an additional 55 seats and to complete the sidewalk cafe on the Capitol Avenue frontage of the building. This project will require a variance to waive 13 additional parking spaces, as well as a Special Permit to complete the sidewalk cafe.

The following table provides a summary of the past entitlements and the present request

related to Cafe Bernardo:

Project	# of Seats	Standard Parking Requirement	Parking Credits	Parking Variance Required
Restaurant Established (P92-001)	40	13	5	8
Expansion (P93-168)	36	12	7	5
Current Request (P96-052)	55	18	5	13
Total	131	43	17	26

STAFF EVALUATION

Policy Considerations

The proposed business is consistent with the land use designated for the site by the City's General Plan and Community Plan (Community/Neighborhood Commercial and Offices, and General Commercial respectively) and conforms with the uses allowed by right within the General Commercial (C-2) zoning district. The use of vacant commercial space is also consistent with City policies which encourage adaptive reuse of existing buildings in the downtown and midtown areas by uses compatible with surrounding development, and development of cultural and entertainment uses within the Central City. The project will require design review of any proposed exterior modifications (e.g., signage, illumination) to insure quality of design and compatibility with the surrounding area.

Although the prospective use is allowed by right, constraints posed by the limited parcel size and existing developed area and inability to secure parking for a sufficient duration of time make the project dependent upon a variance to waive required off-street parking. The proposed variance is consistent with City policies which recognize the need to adjust development standards where the Planning Commission finds circumstances which preclude absolute conformity with such standards. In order to approve a variance, the Commission must make a finding that: 1) The variance does not constitute a special privilege extended to an individual property owner in that the same variance would be appropriate for other property owners facing similar circumstances. 2) The proposal does not constitute a variance to locate a use in a zone from which it is prohibited by

Ordinance. 3) The proposal will not be detrimental to the public welfare or result in the creation of a public nuisance. 4) That the proposal must not be adverse to the General Plan or applicable community plan. Accordingly staff review focuses on the parking related issues rather than the prospective use.

Parking Variance

The parking variance request was evaluated according to the criteria being developed for reviewing restaurant parking standards in the Central City. The objectives of this Central City Restaurant Parking Review Program are to 1) create a uniform and objective procedure for analyzing variance proposals, 2) improve the efficiency of the variance review process, and 3) gather consistent baseline data on the characteristics of restaurant parking variances. The City will be able to use this information to determine what kind of ordinance changes are needed to reduce regulatory burdens upon restaurants in the Central City while ensuring an adequate supply of parking for existing residents and businesses. The staff analysis of this proposal is representative of these new guidelines.

1) Size of Restaurant

Even with the proposed expansion, the restaurant would be only slightly over 5,000 square feet (+5050 sf). A restaurant of this size should have relatively minimal impact on the overall parking supply in the area, as restaurants of this size tend to serve a local rather than a regional market, with a substantial portion of clientele walking to the site.

2) Site Parking Capability

As previously discussed, existing development renders the development of on-site parking impossible.

3) Off-site Parking Supply (On-Street)

A survey was conducted during the periods of peak parking demand for the operation (Thursday lunch 1:00-2:00pm, Thursday Dinner, 6:30-7:30 pm, Friday Lunch 12:00-1:00pm, Friday Dinner 7:00-8:00pm.) The survey determined that within a 750 foot (or 2 1/2 block) walking radius of the project site, 190, 173, 162, and 147, respectively, on-street spaces were available during these time periods. Therefore, the addition of 13 cars will absorb no more than 9% of the parking available within walking distance of the site. In addition, it should be noted that much of the available on street parking is in areas with no residential permit parking program in place. Initiation of a permit parking program could further improve the on street parking supply by reducing on-street parking by office workers in the area.

4) *Off-site Parking Supply (Off-Street)*

The restaurant operator currently leases two parking lots on N Street between 27th and 28th Streets. These lots contain a total of 103 parking spaces. This parking is designated for patrons of Paragary's, Capitol Grill, and Cafe Bernardo.

City Ordinance requires that, to meet required parking for a project, off-site parking lots must be within 300 feet of the project site and must be secured with a ten year lease. The lots are within 300 feet of all three restaurants served. However, because the site is planned for eventual development by Sutter Hospital, the operator cannot obtain a ten year lease for the parking lots. Therefore, these lots have never been used to satisfy required parking for Cafe Bernardo, nor the other restaurants. Paragary's and Capitol Grill currently operate without any variances for parking (by virtue of grandfathering, and the provision of a 30 space lot adjacent to Capitol Grill).

The operator currently has a three year lease on the subject lots. When the lease expires (in December of 1996), the operator expects to obtain an additional 3 year lease on the properties. Development of these sites by Sutter Hospital is not anticipated for at least another ten years. When Sutter does develop the site, a condition on the rezone of this property requires that 80 parking spaces be made available for area restaurant patrons, which can obtain parking validations as a result of their restaurant visit.

Past parking variances for Cafe Bernardo have been justified partly by the existence of this designated off-street parking, despite the fact that it is not officially tied to the project per City standards. Past parking variances for the site have waived a total of 13 spaces. The current application seeks to waive an additional 13 spaces, bringing the total variance to 26 spaces. This parking requirement can easily be absorbed by the leased lots.

5) *Attempts to obtain suitable off-site parking*

During the course of past applications, the operator has attempted unsuccessfully to obtain off-site parking which would meet City Standards, specifically in the Old Tavern parking garage.

6) *Proximity to transit*

The site is within 660 feet of service by Regional Transit Bus Lines 30, 31, 32, 34, 67, and 68. The applicant was required by as a condition of P92-001 to provide at least six fully subsidized transit passes to employees. The operator has indicated a willingness to provide fully subsidized transit passes to all interested employees, and this has been included as a condition of approval for the project.

7) *Client Travel Mode*

The cafe is patronized largely by midtown residents and employees of Sutter Hospital, and other nearby medical and other offices. These patrons are likely to travel to the site by walking and other modes rather than by automobile, particularly during the daytime hours. The applicant has installed a bike rack to accommodate 6 bicycle as a means of encouraging bicycle travel to the site. Considering the likelihood that patrons and employees will be less inclined to drive cars to a location conveniently served by transit and within walking distance of employment centers, parking demand at the site is expected to be much less than the amount anticipated by ordinance standards.

Sidewalk Cafe

In addition to the variance for the off-site parking the applicant is requesting approval of an additional sidewalk cafe area for 16 seats. Sidewalk cafes are typically subject to Zoning Administrator approval. Since, however, the requested variance requires Planning Commission approval, the sidewalk cafe was incorporated into the overall project entitlements.

The proposed sidewalk seating conforms to the sidewalk cafe regulations, but will be conditioned as specified in the attached Notice of Decision. The fence of the new cafe space will match that of the existing space. An encroachment permit is required to allow sidewalk cafe to operate on City property. The encroachment permit will be issued by the Zoning Administrator upon approval of the Certificate of Insurance by the City's Risk Management Division. The encroachment permit is revocable and may be discontinued should the outdoor seating become a problem.

PROJECT REVIEW PROCESS

A. Environmental Determination

The proposed project is exempt from environmental review pursuant to the California Environmental Quality Act Guidelines (Section 15301, and 15305(a) and (b)).

B. Public/Neighborhood Association Comments

The proposed project application was routed to the Winn Park-Capitol Avenue Neighborhood Association, the Central City Alliance of Neighborhoods, and the Sacramento Old City Association. Land owners within a 500 foot radius of the project site were also notified of the project proposal. No comments were received on the proposed project.

C. Summary of Agency Comments

The proposal was routed to several City Departments and other agencies. The following summarizes the comments received:

Police

With the addition of the new side walk cafe both areas which are encroaching must be equipped with panic hardware that is to remain closed and access to seating area through the restaurant internal only. Original conditions from P93-168 are also to be carried forward.

The applicant is opposed to the proposed condition requiring that the existing sidewalk cafe be closed off from the street and that access to seating be from the interior of the restaurant only. Planning staff concurs with the applicants position for the following reasons.

- 1) The bar area will not be open during the morning/breakfast hours. The applicant does not wish to have the bar entrance(s) open when the bar is not open, but this would be necessary if the existing restaurant access were closed off.
- 2) The operation will consist of separate service stations for bar items, food items, and juices/smoothies. The operation does not include a hostess to show customers to their tables. If access from Capitol Avenue is closed, patrons seeking food and smoothies would be forced to travel through the bar area in a rather circuitous manner, resulting in inconvenience and confusion.
- 3) The existing sidewalk cafe, in its current configuration, has not caused problems for the neighborhood or law enforcement.

PROJECT APPROVAL PROCESS:

The Planning Commission has the authority to approve or deny items 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.

RECOMMENDATION:

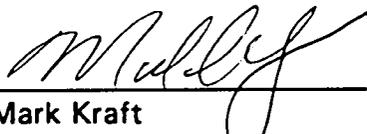
Staff recommends the Planning Commission take the following actions:

- A. Adopt the attached Notice of Decision and Findings of Fact approving the Special

Permit to allow a sidewalk cafe in the public right of way in the C-2 zone.

- B. Adopt the attached Notice of Decision and Findings of Fact approving the Variance to waive 13 required parking spaces for a 2,100 square foot 55 seat restaurant expansion.

Report Prepared By,



Mark Kraft
Associate Planner

Report Reviewed By,

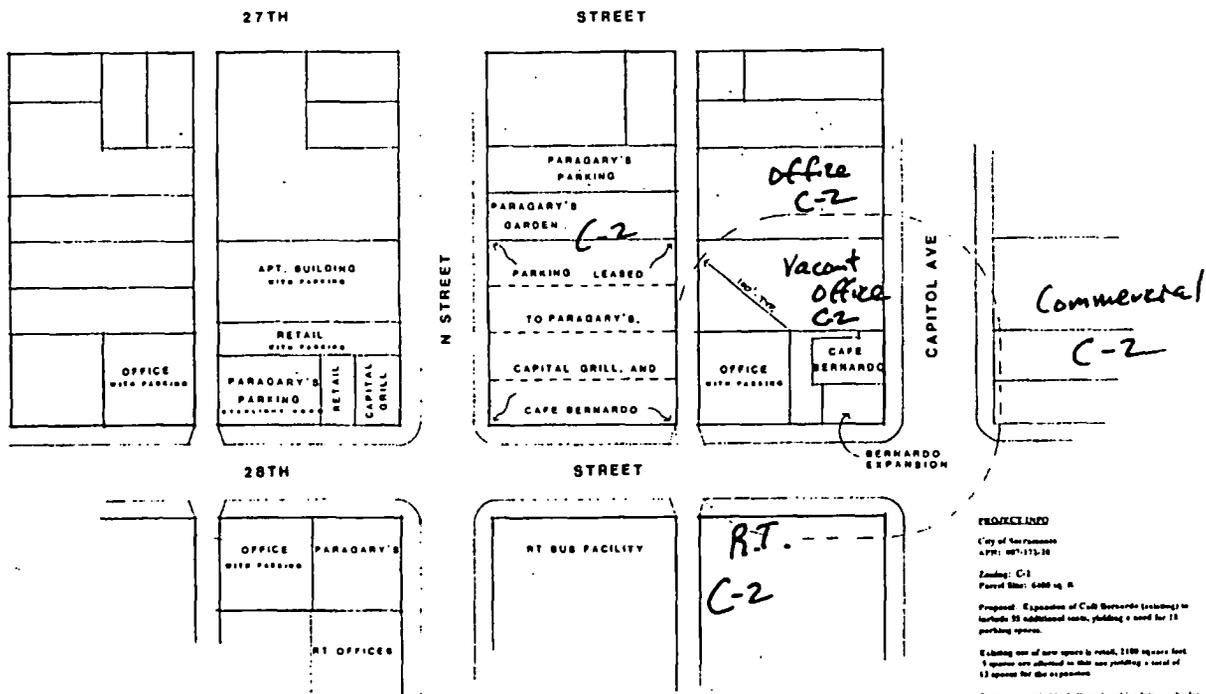


Steve Peterson
Senior Planner

Attachments

Attachment A	Vicinity, Land Use and Zoning Map
Attachment B	Notice of Decision
Exhibit B-1	Site Plans

ATTACHMENT A
VICINITY, LAND USE, AND ZONING MAP



PARKING OVERVIEW

ATTACHMENT B
NOTICE OF DECISION AND FINDINGS OF FACT FOR
(Cafe Bernardo Expansion), LOCATED ON 2728 & 2730 CAPITOL AVENUE, SACRAMENTO,
CALIFORNIA IN THE
GENERAL COMMERCIAL (C-2) ZONE. (P96-052)

At the regular meeting of August 8, 1996 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. Approved the Special Permit to allow a sidewalk cafe in the public right of way in the C-2 zone.
- B. Approved the Variance to waive 13 required parking spaces for a 2,100 square foot 55 seat restaurant expansion.

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

FINDINGS OF FACT

- A. The Special Permit to allow a sidewalk cafe in the public right of way in the C-2 zone is hereby approved subject to the following findings of fact and conditions of approval:
 - 1. The project is based upon sound principles of land use.
 - 2. The project, as conditioned, will not be detrimental to the public health, safety and welfare.
 - 3. The project is consistent with the General Plan and Central City Community Plan.
- B. The Variance to waive 13 required parking spaces for a 2,100 square foot 55 seat restaurant expansion is hereby approved subject to the following findings of fact and conditions of approval:
 - 1. The variance does not constitute a special privilege extended to an individual property owner in that the same variance would be appropriate for other property owners facing similar circumstances.

2. The proposal does not constitute a variance to use in that the restaurant is an allowed use in the C-2 zone.
3. The project will not be detrimental to the public welfare or result in the creation of a public nuisance in that:
 - a. There is sufficient on-street parking available to accommodate additional parking demand created by the project without substantially curtailing the supply of on-street parking available to residences and businesses in the project vicinity.
 - b. Off-street parking will be maintained by the restaurant operator.
4. The project is consistent with the General Plan and Community Plan land uses designated for the site.

CONDITIONS OF APPROVAL (Sidewalk Cafe)

- A. The Special Permit to allow a sidewalk cafe in the public right of way in the C-2 zone is hereby approved subject to the following conditions:
 - A1. The arrangement of sidewalk seating and fencing, if different from that depicted on the site plan, shall reviewed and approved by the Fire Department, Transportation Division, and Planning Director prior to placement of the seats on the sidewalk.
 - A2. A revocable encroachment permit shall be issued by the Zoning Administrator prior to placement of seats in the public right of way.
 - A3. The seating must be visible for internal monitoring. Where windows are not appropriate for this purpose, closed circuit television shall be used.
 - A4. Restaurant windows shall be left unobstructed to all viewing of the interior of the business by patrolling police.
 - A5. 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 areas. 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. CPC647E(A); S.C.C.26.24(C).
 - A6. Hours of operation shall commence no earlier than 7am and end no later than 12am. When the sidewalk cafe 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.

- A7. The applicant shall be responsible for maintaining clean sidewalks during and following hours of sidewalk dining use and the removal of litter generated by the business in the immediate neighborhood.
- A8. All illegal activities observed on or around the business shall be promptly reported to the police
- A9. Alcohol service is to be limited to the fenced area immediately adjoining the building. Alcohol service shall be limited to this enclosed area only subject to the following:
1. Sale of alcoholic beverages for consumption off of the premises is prohibited
 2. Alcoholic beverages will be served in non-breakable containers.
- A10. The proposed materials and colors for the fencing, sidewalk furniture, and awnings shall be submitted for the review and approval of Design Review staff prior to issuance of the Encroachment Permit.
- A11. The newly developed sidewalk seating area adjacent to the bar area on the project site must be equipped with panic bar hardware that is to remain closed and access to seating must be from the interior of the building only.

CONDITIONS OF APPROVAL (Parking Variance)

- B. The Variance to waive 13 required parking spaces for a 2,100 square foot 55 seat restaurant expansion is hereby approved subject to the following conditions:
- B1. The applicant shall continuously post information on ridesharing and the use of alternative forms of transportation. 100% subsidized Regional Transit monthly passes must be made continuously available to all employees.
- B2. Prior to the granting of a Certificate of Occupancy for the proposed project the applicant must provide to the Planning Director, evidence of an extension of the current lease for 103 parking spaces for a period of at least 2 years.
- B3. Off-site parking leases shall be continuously maintained for a minimum of 26 parking spaces until such time as the Sutter Expansion commences at these sites. An annual report shall be submitted to the Planning Director (in January each year) providing the status of off-site parking leases. Should the lease be terminated or expire the applicant will be responsible for obtaining new provisions for these off-site parking spaces. A new or revised lease for at least 26 spaces may be

approved by the Planning Director. Approval of any waiver of the provision of these spaces shall be subject to the review and approval of the Planning Commission.

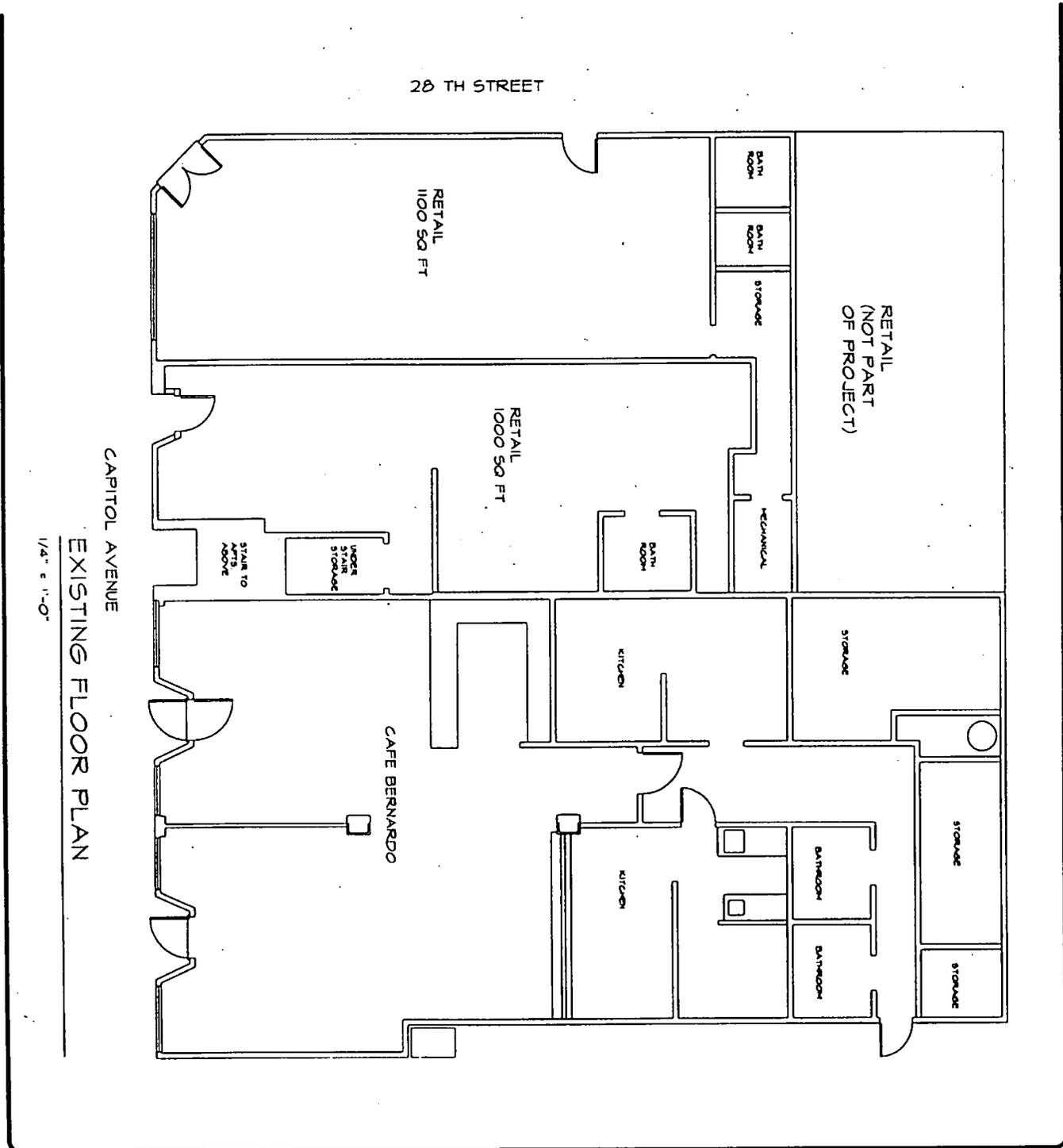
CHAIRPERSON

ATTEST:

SECRETARY TO CITY PLANNING COMMISSION

DATE (P96-052)

Exhibit B-1
Site Plans



SCALE
DATE
SHEET
A1

REVISIONS

CAFE BERNARDO
EXPANSION
2730 CAPITOL AVE.

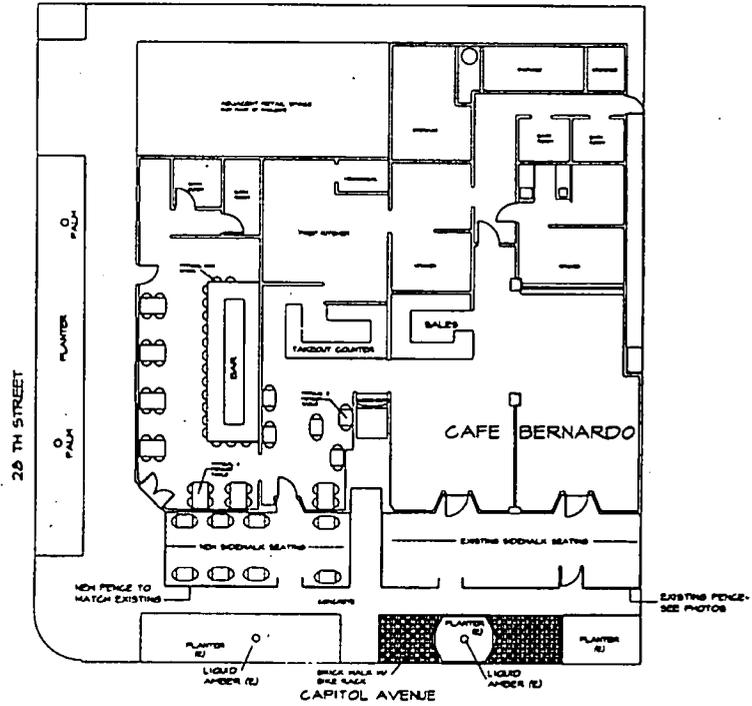


KAUFMANN
ARCHITECTS

1000 R STREET #8
SACRAMENTO, CA
9 5 8 1 4
916-442-8888

AUGUST 8, 1996

P96-052



SIDEWALK SEATING PLAN

16 SEATS ADDED ON SIDEWALK

DATE	1996.08.08
BY	KAUFMANN ARCHITECTS
REVISIONS	
SCALE	
DATE	
SHEET	