

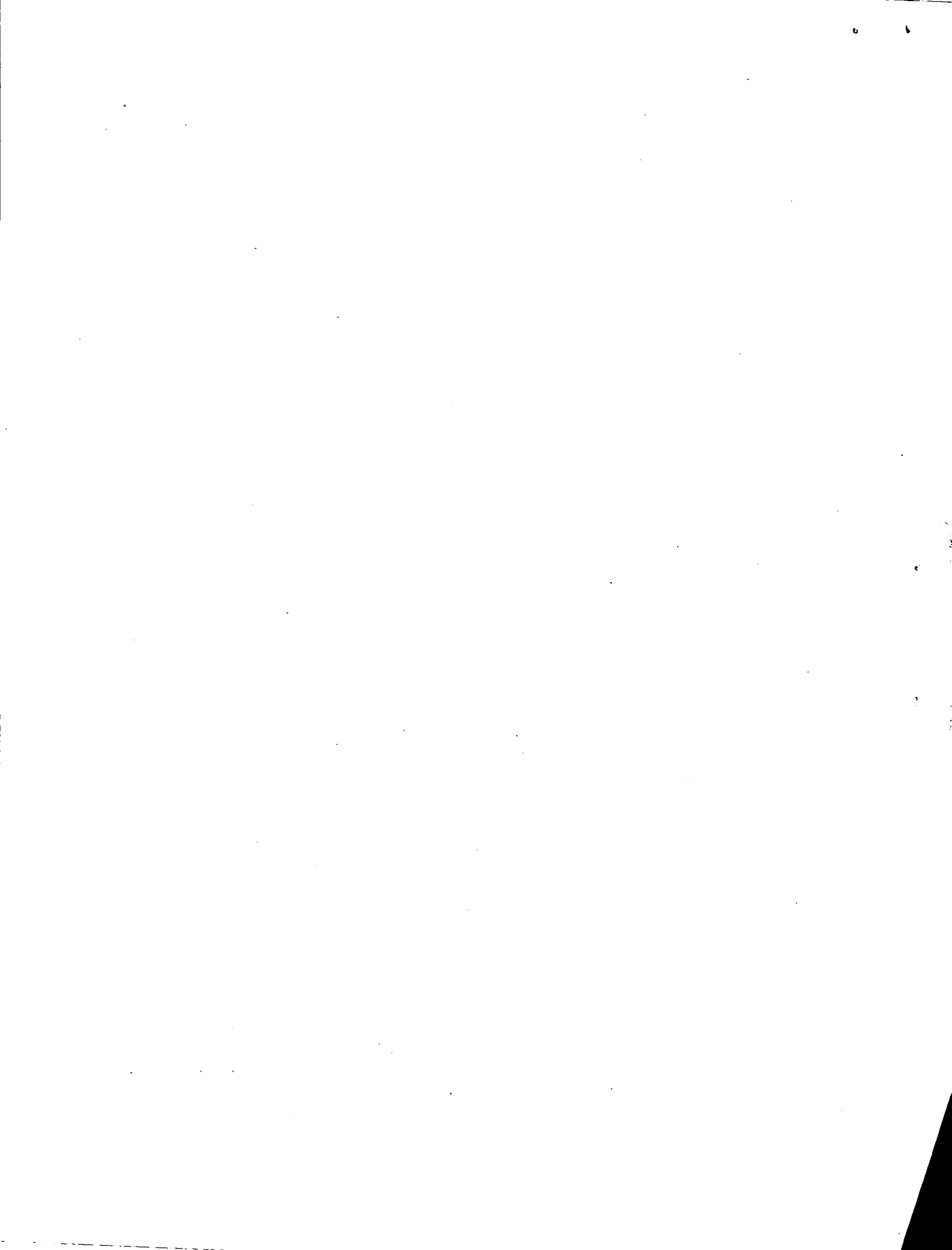
P98-086 - Southside Grocery/Cafe

- REQUEST:
- A. Environmental Determination: Exempt 15301(d)
 - B. Special Permit to reconstruct a non-conforming structure on 0.07 acres in the Multiple Family (R-3A) zone.
 - C. Special Permit to expand a non-conforming market by adding a sidewalk cafe in the Multiple Family (R-3A) zone.
 - D. Special Permit to waive four parking spaces for a 12 seat patio cafe on 0.07± developed acres in the R-3A zone.

LOCATION: 601 T Street
APN: 009-0062-021
Central City Community Plan Area/Southside Park
Sacramento City Unified School District
Council District 4

APPLICANT:	H. D. Lowery, (916) 395-5984 6511 Surfside Way, Sacramento, CA 95831
OWNER:	H.D. Lowery 6511 Surfside Way, Sacramento, CA 95831
PLANS BY:	John Mastrototaro, 5960 Sampson Bl., Sacto, CA 95824
APPLICATION FILED:	8-7-98
STAFF CONTACT:	Jeanne Corcoran, (916) 264-5317

SUMMARY: The applicant is requesting the necessary entitlements to add a sidewalk cafe, consisting of six tables, 12 seats, to remove a non-conforming structure at the rear of the site and reconstruct an open patio area. The existing structure at the rear of the site is non-conforming due to setbacks and lot coverage. The new building as proposed is a reduction in overall square footage of approximately 50 percent of the existing structure. The new structure will serve as a covered, partially enclosed patio



and storage area. The applicant has indicated that he will use this patio area for seating to supplement the sidewalk seating. The applicant intends to place two three person tables under the covered patio area and two - three person tables in front of the structure. The basic issues of the proposed project are availability of on-street parking and litter associated with the sidewalk seating.

RECOMMENDATION:

Staff recommends approval of the project subject to conditions. This approval is based upon policies in the General Plan and Central City Community Plan supporting viable housing, economic development and revitalization of the Central City.

PROJECT INFORMATION:

General Plan Designation:	Medium Density Residential
Central City Community Plan Designation:	Multi-family Residential
Existing Land Use of Site:	Mixed Use - Upper Floor Residential
Existing Zoning of Site:	R-3A

Surrounding Land Use and Zoning:

North: Residential, Commercial; R-3A, RO
 South: Park, Residential, Church; R-3A
 East: Residential, School; R-3A, RMX
 West: Residential, Vacant; R-3A

Setbacks:	Required	Provided
Front:	25' (or average)	0' (Existing)
Side(St):	3'	0' (Existing) 8' (new structure)
Side(Int):	3'	5' (Existing)
Rear:	15'	3'

Property Dimensions:	40' x 80'
Property Area:	.07± net acres
Square Footage of Building:	621 square feet - Proposed new construction
Height of Building:	12 feet, 1 story
Exterior Building Materials:	Wood siding
Roof Material:	Composition roof
Hours of Operation:	Cafe: 10:30 a.m.- 2:00 p.m.

	Grocery: 9 a.m. - 6 p.m.
Parking Provided:	0 spaces
Parking Required:	4 spaces

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

<u>Permit</u>	<u>Agency</u>
Preservation Review	Preservation Staff
Encroachment Permit	Public Works, Development Services
Building Permit	Building Division

BACKGROUND INFORMATION:

On June 29, 1993, the City Council approved an ordinance amending various sections of the City's zoning code relating to sidewalk cafes within the public right-of-way (M92-035). The effect of this ordinance was to provide standards for outdoor seating on public sidewalks and to promote such seating by eliminating the parking requirement.

STAFF EVALUATION: Staff has the following comments:

A. Policy Considerations

The proposed project is consistent with the following goals and policies of the General Plan and the Central City Community Plan.

General Plan

- Provide affordable housing for all income groups (GP Sec. 3-49)
- Promote economic development and diversification of the local economy (GP Sec 4-1)

Central City Community Plan

- . . .continue revitalization of the Sacramento Central City area as a viable living, working shopping and cultural environment . . . (CCCP p.6)
- provide the opportunity for mixture of housing with other uses in the same building or site . . . to capitalize on the advantage of close-in living. (CCCP p7)

The proposed project however, appears to be inconsistent with the Community Plan land use designation of multiple family residential. However the grocery/deli use was established prior to this designation.

B. Site Plan Design/Zoning Requirements**1. Reconstruction of Non-conforming Building**

The applicant proposes to demolish an existing structure (carport) located at the rear of the building. The structure measuring approximately 1,000± square feet is attached to the primary building on the site and occupies 83 percent of the rear yard area.

The applicant proposes to construct a 600± covered structure enclosed on three sides to be used as a patio and storage area. The size of the building will be reduced by 40 percent and allow for setbacks from the rear and interior side property lines. The patio area will serve as an outdoor eating area for the grocery/deli on weekdays and be utilized by the resident during the remaining times. The new structure will cover 50 percent of the rear yard and increase the open space of the rear yard to 50 percent. Therefore, staff supports the applicant's request since the new structure will reduce the area currently covered by the existing structure and the new structure will be more compatible to the existing structure on the site.

2. Sidewalk Cafe

The applicant is requesting a special permit to allow six tables with 12 seats to be located on the sidewalk for outdoor dining. The seating would complement the deli that operates in conjunction with the grocery store. The grocery/deli is a non-conforming use since it is located in a R-3A zone. Land use cards (Attachment 4) document that the two story building was constructed in 1920 with a grocery store on the ground floor and a residential unit on the upper floor. The use was established prior to the zoning.

The store operates between 9 a.m. and 6 p.m., Monday through Friday and 9:30 a.m. to 5:30 p.m., Saturday and Sunday. The outdoor cafe is proposed for 10:30 a.m. to 2 p.m., Monday through Friday. The City encourages outdoor dining through flexible use of the public right-of-way as a means of promoting a more active streetscape. The site is located across the street from Southside Park and the proposed use is expected to provide additional eyes on the surrounding area. The hours proposed (10:30 a.m. to 2 p.m.) for the sidewalk cafe are not anticipated to impact the adjacent residential uses.

Staff would like to address two concerns of this project. One concern raised by the City Arborist is the impact of the sidewalk cafe on the

landscaping strips adjacent to the streets. It has been the experience of the Arborist on sidewalk cafes that the applicant will convert the landscape strip to concrete in order to better accommodate the tables, chairs and pedestrian access. The City Arborist recommends that the landscape strips remain landscaped with turf or plant material and not concrete. Staff concurs with this request, due to the residential nature of the area, and recommends a condition requiring the landscaping strip remain landscaped with turf or plant material unless a Special Permit Modification is approved by the Planning Commission.

Litter

The second concern is the litter generated by the sidewalk cafe. The site plan does not indicate any trash receptacles for the use. Due to the nature of the grocery/deli, it does not appear that adequate staff is provided for table service. Staff therefore recommends that a minimum of three trash receptacles be identified and located for customers use. Two of the receptacles should be placed on the T and 6th Street side convenient for the sidewalk tables. The remaining receptacle should be located in the patio area for customers using the patio area. Staff would also recommend that the staff of the grocery/deli be responsible for monitoring and picking up litter around and adjacent to the site (within a the block area of 6th and T Streets) at the close of the hours for the sidewalk cafe when the tables and chairs are to be removed and stored on-site.

Decorative Element

Lastly, the Zoning Ordinance sets forth certain criteria for the approval of a sidewalk cafe. One criteria is a decorative element separating outdoor cafe seating area from adjacent pedestrian traffic. The plans do not indicate such an element. Staff does not consider such an element necessary at this site. The use of the site is a small grocery store primarily serving the surrounding residential area and a deli which serves sandwiches for a limited time to office workers in the area. Staff did not note a high level of pedestrian activity on the sidewalk as you expect to find in a developed commercial area. Staff surmises that providing a decorative element for the sidewalk cafe will reinforce the commercial nature of the use detracting from the residential character of the area. Staff would therefore recommend that an element be left to the discretion of the applicant. However, should a decorative element be introduced the decorative element shall be subject to design review by the preservation staff.

Staff supports the applicant's request for outdoor seating in the public right-of-way.

3. Parking

Staff has researched the site using land use cards and the Sanborn Maps to determine the amount of parking required for this proposed project. Based on the Sanborn Maps it does not appear that parking was provided for the existing uses (grocery store and residential unit) on the site when constructed. The Sanborn Map indicates a structure at the rear of the site but does not identify this structure as parking (carport or garage). Therefore, reconstructing the structure for patio cafe/storage area will not displace existing parking on the site since it appears the existing grocery store and residential unit was established without parking.

The applicant has requested that four tables with three seats each be located in the patio area at the rear of the building. In locating seats on-site to serve as an outdoor dining area, parking is required at a ratio of one space per three seats. Due to the size of the lot the applicant is requesting a waiver of four parking spaces. To assess the proposal's potential impact upon on-street parking, staff conducted two surveys to collect data on parking available within a one block vicinity of the project site (Attachment 5). The surveys were conducted during periods representative of the peak mid-week parking demand for the grocery/deli (Wednesday from 11:30 a.m. to 12:30 p.m., Thursday from 11:30 a.m. to 12:30 p.m.). The supply of available on-street parking spaces found an average of 73 available spaces during the two surveys of the area. Most of these spaces are subject to one hour parking limits. Based upon the survey data, it is reasonable to assume that 12 or more cars can be readily accommodated within a one-block radius of the project site during the cafe hours. Staff, therefore, supports the waiver of the ⁴12 parking spaces.

D. Building Design

The proposed building is to be 23' X 26, 598 square feet and enclosed on three sides. The building will be single story, 12 feet high. The building materials will be horizontal beveled siding with a composition roof to match the existing building. A cyclone fence with wood slats is currently on the property line, in front (west) of the existing structure. The plans do not indicate if a fence is to be reconstructed on the west property line. Should a fence be constructed, the fence should be decorative metal, brick, or wood (example at NW corner 8th & T Streets). The proposed project is located within the Southside Preservation area and is required to be reviewed and approved by the Preservation staff.

Staff would like to note a concern with the existing structure. The windows along the street side of the structure are painted to match the building or boarded with unpainted plywood. These windows are on the lower level of the building which is occupied by the grocery store. Shelving for the grocery store is placed against these windows, thus rendering these windows ineffective. Preservation staff is also concerned with these windows. Staff would encourage the applicant to restore the windows back to their use or remove the windows and replace with siding to match the existing structure.

The Preservation staff has reviewed and approved the project (PB98-27) consistent with the plans submitted. The staff approved the project since the materials and design are consistent and in context with the existing structure on the site and in the surrounding neighborhood.

Preservation staff has not reviewed the street furniture (tables, chairs and trash receptacles) proposed for the sidewalk seating or patio area. Prior to issuance to the building permit and/or revocable encroachment permit for the sidewalk cafe the street furniture shall be reviewed and approved by the Preservation staff.

PROJECT REVIEW PROCESS:

A. Environmental Determination

The proposed project is exempt from environmental review pursuant to State EIR Guidelines (CEQA Section 15301(d)).

B. Public/Neighborhood/Business Association Comments

The project was routed to the Neighborhood Association Advisory Group (NAAG), Sacramento Old City Association (SOCA), Southside Park Neighborhood Association and Southside Park Neighborhood Improvement Association. The following comment was received:

NAAG: Applicant should be responsible for litter control created by the sidewalk cafe.

C. Summary of Agency Comments

The project has been reviewed by several City Departments and other agencies. The following summarizes the comments received:

1. **Police:** Concerned that a sidewalk cafe may cause a resurgence of the alcoholic related problems in the area and recommends that the sidewalk

cafe not be permitted (Attachment 6, SPD Memo). Staff did talk to Lynne Ohlson of the Police Department regarding their concerns, Ms Ohlson stated that it is the experience of the Police Department to identify abuses that occur on private property easier than on the sidewalk or public property. However, the ABC licence requires that the licensee is responsible for the sidewalk area within 20 feet of the premises. Furthermore, a sidewalk cafe requires a revocable encroachment permit and should the Police Department identify alcoholic related problems with the sidewalk cafe the encroachment permit can be revoked.

2. **Tree Services:** Sidewalk adjacent to Zelkova tree (located at the north end of existing building along 6th Street) will be reduced in width to give the tree more room. The northernmost table will need to be relocated. Additional comments regarding landscape strip incorporated into staff report (Sidewalk Cafe Section)
3. **Building Division:** Number of plumbing fixtures to comply with Uniform Building Code (UBC). Handicapped accessibility and Fire Codes must be met.
4. **Public Works:** Comments have been incorporated into project conditions.

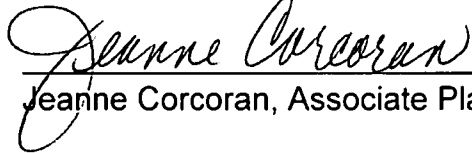
PROJECT APPROVAL PROCESS: Of the entitlements below, Planning Commission has the authority to approve or deny the special permits B through D. The Planning Commission action may be appealed to the City Council. The appeal must occur within 10 days of the Planning Commission action.

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

- A. Adopt the attached Notice of Decision and Findings of Fact which finds that the project is Exempt pursuant to CEQA Section 15301(d);
- B. Adopt the attached Notice of Decision and Findings of Fact approving the Special Permit to reconstruct a non-conforming structure on 0.07 acres in the Multiple Family (R-3A) zone;
- C. Adopt the attached Notice of Decision and Findings of Fact approving the Special Permit to expand a non-conforming market by adding a sidewalk cafe in the Multiple Family (R-3A) zone; and,


- D. Adopt the attached Notice of Decision and Findings of Fact approving the Special Permit to waive four parking spaces for a 12 seat patio cafe on 0.07± developed acres in the R-3A zone.

Report Prepared By,



Jeanne Corcoran, Associate Planner

Report Reviewed By,



Steve Peterson, Senior Planner

Attachments

Attachment 1	Notice of Decision & Findings of Fact
Exhibit 1A	Site Plan/Elevations
Attachment 2	Vicinity Map
Attachment 3	Land Use & Zoning Map
Attachment 4	Land Use Card
Attachment 5	Parking Survey
Attachment 6	Memo from SacPD

**NOTICE OF DECISION AND FINDINGS OF FACT FOR
SOUTHSIDE GROCERY/DELI, LOCATED AT 601 T STREET
SACRAMENTO, CALIFORNIA IN THE R-3A ZONE. (P98-086)**

At the regular meeting of November 5, 1998, 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. Environmental Determination, Exempt 15301(d);**
- B. Approved the Special Permit to reconstruct a non-conforming structure on 0.07 acres in the Multiple Family (R-3A) zone;**
- C. Approved the Special Permit to expand a non-conforming market by adding a sidewalk cafe in the Multiple Family (R-3A) zone; and**
- D. Approved the Special Permit to waive four parking spaces for a 12 seat patio cafe on 0.07± developed acres in the R-3A zone.**

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

FINDINGS OF FACT

- A. Categorical Exemption:** The City Planning Commission finds and determines that the proposed project is exempt from environmental review pursuant to Section 15301(d) of the CEQA Guidelines.
- B. Special Permit to reconstruct a non-conforming structure:** The Special Permit to reconstruct a non-conforming structure on 0.07 acres in the Multiple Family (R-3A) zone is **approved** subject to the following findings of fact and conditions of approval:
 - 1. The project, as conditioned, is based upon sound principles of land use in that accessory structures are allowed in residential zones;
 - 2. The project, as conditioned, will not be detrimental to the public welfare and result in the creation of a public nuisance in that the proposed structure replaces a larger structure, provide setbacks from adjacent properties and more open space on the site;
 - 3. The project, as conditioned, is consistent with the General Plan and

Central City Community Plan which promotes economic development and revitalization of the Central City.

C. Special Permit to expand a non-conforming market:: Special Permit to expand a non-conforming market by adding a sidewalk cafe in the Multiple Family (R-3A) zone is **approved** subject to the following findings of fact and conditions of approval:

1. The project, as conditioned, is based upon sound principles of land use in that the proposed use supplements an existing non-conforming grocer/deli use;
2. The project, as conditioned, will not be detrimental to the public health, safety or welfare or result in the creation of a nuisance in that
 - a. Trash receptacles will be provided and litter control duty by employees of the grocery/deli will be implemented; and,
 - b. The sidewalk cafe will be open no later than 3:00 P.M.
3. The project, as conditioned, is consistent with General Plan and Central City Community Plan policies to support existing viable businesses.

D. Special Permit to waive four parking spaces: Special Permit to waive four parking spaces for a 12 seat patio cafe on 0.07± developed acres in the R-3A zone is **approved** subject to the following findings of fact and conditions of approval:

1. The project is based upon sound principles of land use in that:
 - a. the patio cafe enhances the viability of the neighborhood grocery/deli
 - b. provides an open space area for the resident of the property; and,
 - c. the proposed reconstruction of the patio will revitalize and enhance the existing property.
2. The project will not be detrimental to the public welfare nor result in the creation of a public nuisance in that adequate on-street parking is available for the patio/cafe.



3. The project is consistent with the General Plan and Central City Community Plan which provides for a mixture of housing and other uses on the same site and promotes economic development.

CONDITIONS OF APPROVAL

- B. The Special Permit for the reconstruction of a non-conforming structure (Exhibit 1A) is hereby approved subject to the following conditions:
 - B1. Prior to issuance of a building permit the project shall be reviewed and approved by the Preservation staff.
 - B2. The project shall be constructed as depicted on the plans for setbacks, height and location on the property.
 - B3. Should a fence be constructed, the fence should be decorative metal, brick, or wood (example at NW corner 8th & T Streets), no cyclone permitted, subject to review and approval of the Preservation staff.
 - B4. The patio dining area shall be limited to four tables and 12 seats.
 - B5. Alcohol sales, service or consumption shall not be allowed in the patio area during business hours of the grocery/deli. The grocery/deli staff shall monitor the patio and sidewalk area to ensure that alcoholic beverages are not consumed on the site and sidewalk.

Police

- B6. Applicant shall post and maintain on the premises and in the patio used in conjunction therewith, notices clearly visible to the patrons of the establishment and to persons on the public sidewalk stating, in block lettering, the following:

UNLAWFUL TO ENTER, BE OR REMAIN IN PATIO AREA OR
ADJACENT PUBLIC SIDEWALK WITH AN OPEN ALCOHOLIC
BEVERAGE CONTAINER. C.P.C. 647e.(a); S.C.C. 26.01.24(c)

- B7. Lighting levels shall be as follows: A minimum of .25 foot-candles of illumination shall be provided at the surface of the patio during all hours of operation.
- B8. No live entertainment, amplified sound or public address system shall be maintained on the exterior of the building or in the patio area.

- B9. Noise generated, during business hours, within the patio area shall not be audible beyond the confines of the patio

Public Works

- B10. Prior to issuance of building permit, the applicant shall coordinate with Public Works staff and Preservation staff, if necessary, to provide or modify street lighting along the project frontage as required to accommodate the project.
- B11. Concurrent with building permit, remove the existing driveway and replace with City standard curb and gutter. The area between the new curb and sidewalk where the driveway apron is removed shall be reestablished as a planter.
- B12. Concurrent with building permit, reconstruct the northeast round corner of 6th & T Streets, if determined necessary by Public Works, to comply with City standards.
- B13. Concurrent with building permit, repair or reconstruct any deteriorated curb, gutter and sidewalk along the project frontage to the satisfaction of Public Works,
- C. The Special Permit to expand a non-conforming market by adding a sidewalk cafe (Exhibit 1A) is hereby approved subject to the following conditions:
- C1. The hours of operation for the sidewalk cafe shall be 10:30 a.m. to 2:00 p.m., Monday through Friday. When the sidewalk area is not in use for seating and service, all furniture associated with the sidewalk cafe, (tables, chairs and trash receptacles) shall be removed from the public right-of-way and stored on the grocery property within the confines of the building.
- C2. The sidewalk cafe shall be limited to six tables and 12 seats.
- C3. Alcohol sales, service or consumption shall not be allowed in the patio or sidewalk seating area. The grocery/deli staff shall monitor the patio and sidewalk area to ensure that alcoholic beverages are not consumed on the site and sidewalk.
- C4. No live entertainment, amplified sound or public address system shall

be maintained on the exterior of the building or in the patio area.

- C5. Prior to issuance of a building permit a minimum of three trash receptacles shall be identified on the plans. The trash receptacles shall be in keeping with the street and patio furniture (tables and chairs).
- C6. The street furniture (tables, chairs and trash receptacles) shall be reviewed and approved by the Preservation staff, prior to installation. No furniture may be affixed to the public right-of-way.
- C7. The sidewalk area within 100 feet of the use/property and adjacent sidewalk shall be monitored for trash/litter that may be produced by this establishment. The staff of the grocery/deli shall be responsible for keeping this area clean of trash/litter generated by the outdoor seating area.
- C8. The tables, chairs and trash receptacles shall not obstruct pedestrian traffic or accessibility to vehicles parked adjacent to the curb.
- C9. A four foot minimum clear dimension for pedestrian use shall be maintained between tables and chairs and edge of sidewalk. The tables and chairs shall be kept adjacent to the building and a sign shall be posted that states only two seats are permitted for each table.
- C10. If a decorative element separating the outdoor cafe seating area from adjacent pedestrian traffic is introduced, the decorative element shall be reviewed and approved by the Preservation staff.
- C11. The landscaped strip adjacent to the street shall be maintained with turf or plant material, unless a Special Permit Modification is reviewed and approved by the Planning Commission. The landscape strip shall not be covered with concrete, brick or other such material. No furniture shall be located in the landscape strip.
- C12. 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 Revocable Encroachment permit for the sidewalk cafe. The public right-of-way cannot be used for a sidewalk cafe until the Revocable Encroachment Permit resolution is issued.

C13. The applicant shall submit plans to the Building Department for review of adequate toilet facilities.

CHAIRPERSON

ATTEST:

SECRETARY TO CITY PLANNING COMMISSION

DATE (P98-086)

Exhibit 1A Site/Elevation Plan

DATE	
BY	
CHECKED	
APPROVED	

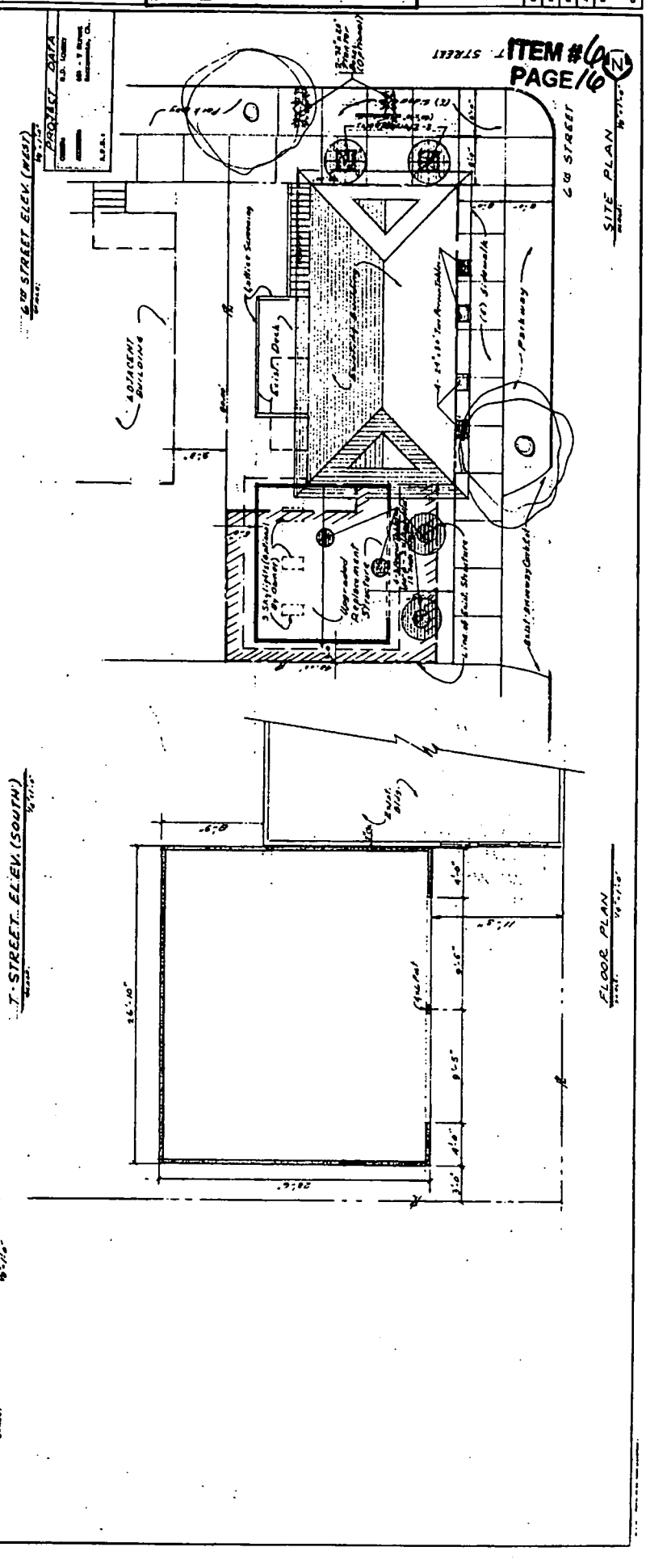
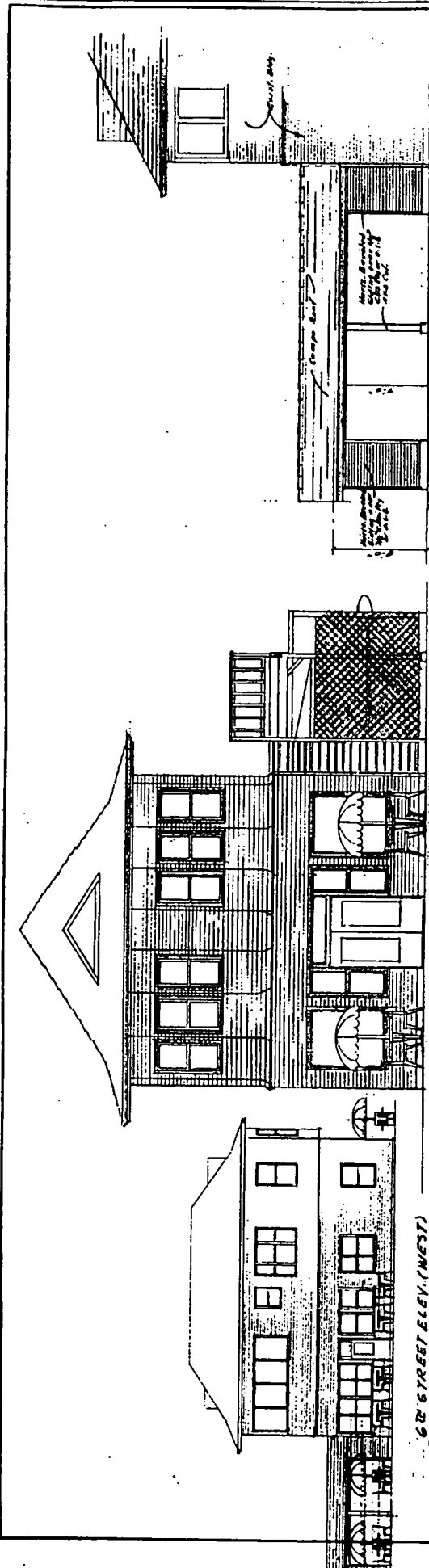
EXHIBIT 1A

PROJECT DATA
 U.S. TITLE
 M.D. LOWERY
 ARCHITECT
 151 - 10th
 BOSTON, MA



JOHN MASTROTOTARO Associates
 6000 Cambridge Road, Cambridge, MA 02142
 (617) 451-8857

DATE: 11/16/88
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 SCALE: A-0
 SHEET NO. 1 OF 2



ITEM # 6
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SITE PLAN
 10/17/88

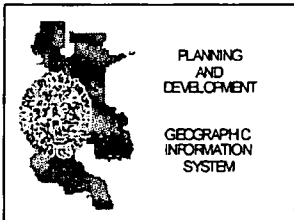
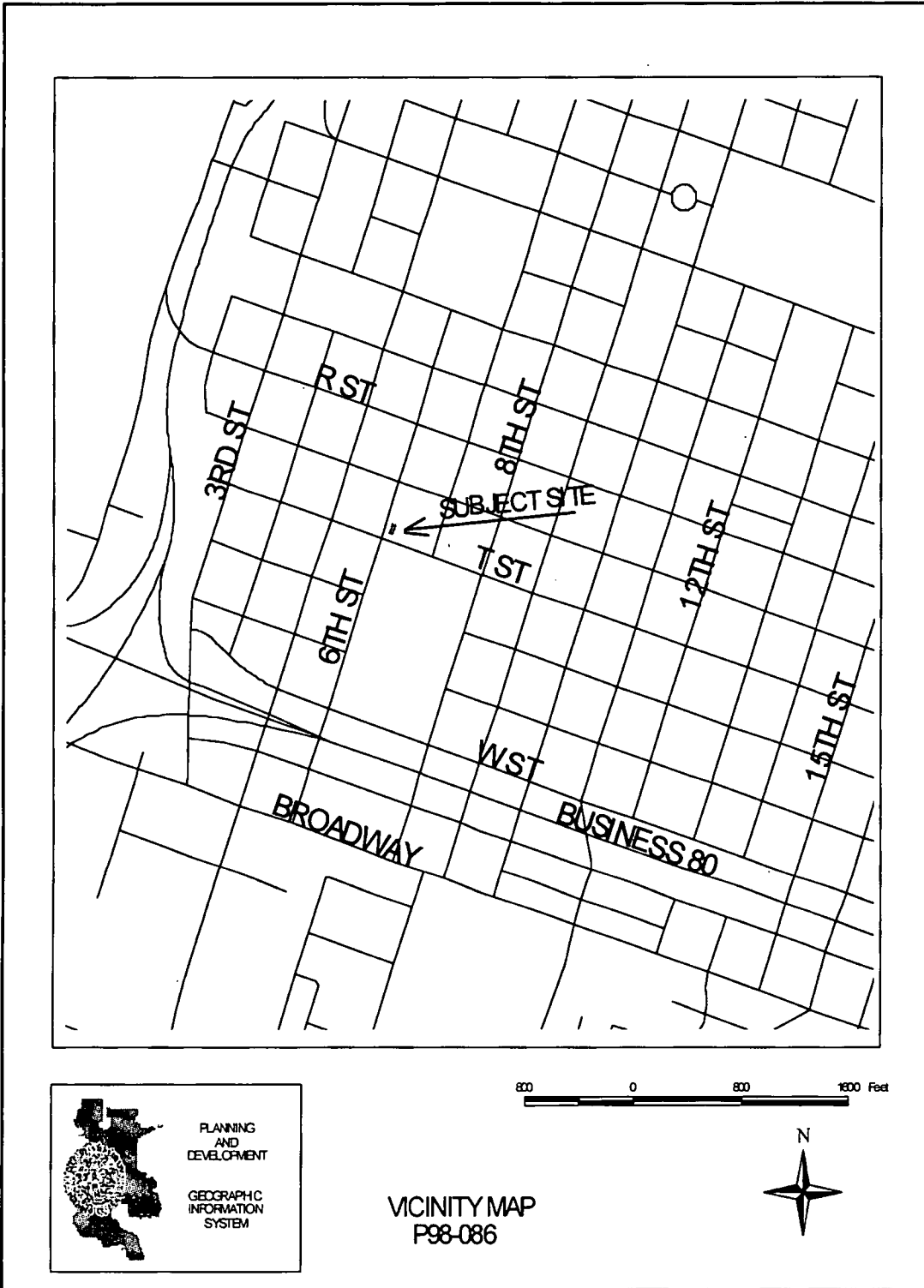
FLOOR PLAN
 10/17/88

ATTACHMENT 2

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VICINITY MAP
P98-086

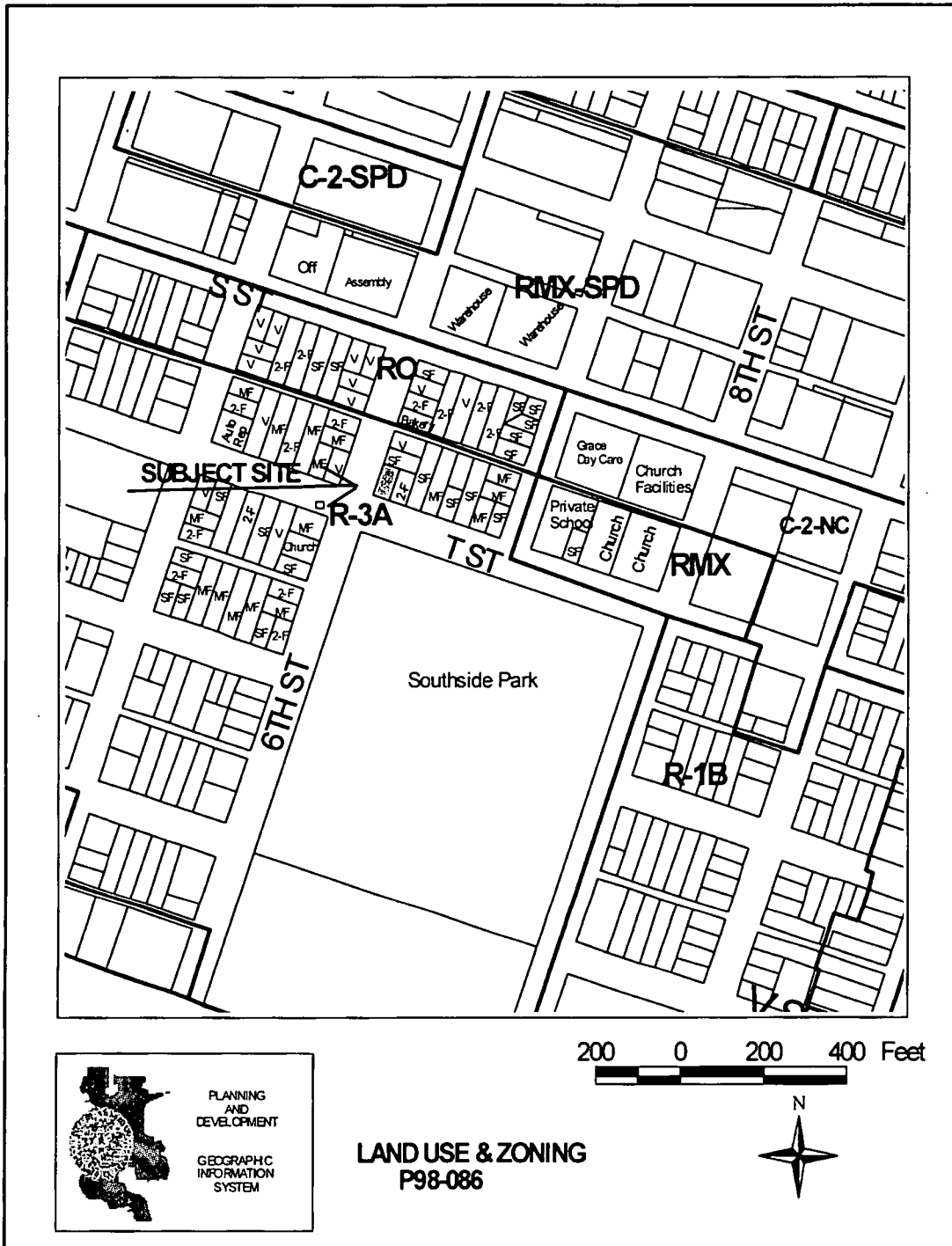


ATTACHMENT 3

P98-086

NOVEMBER 5, 1998

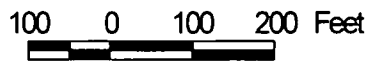
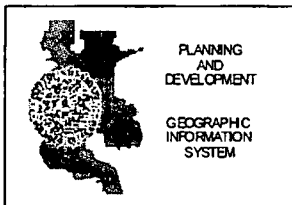
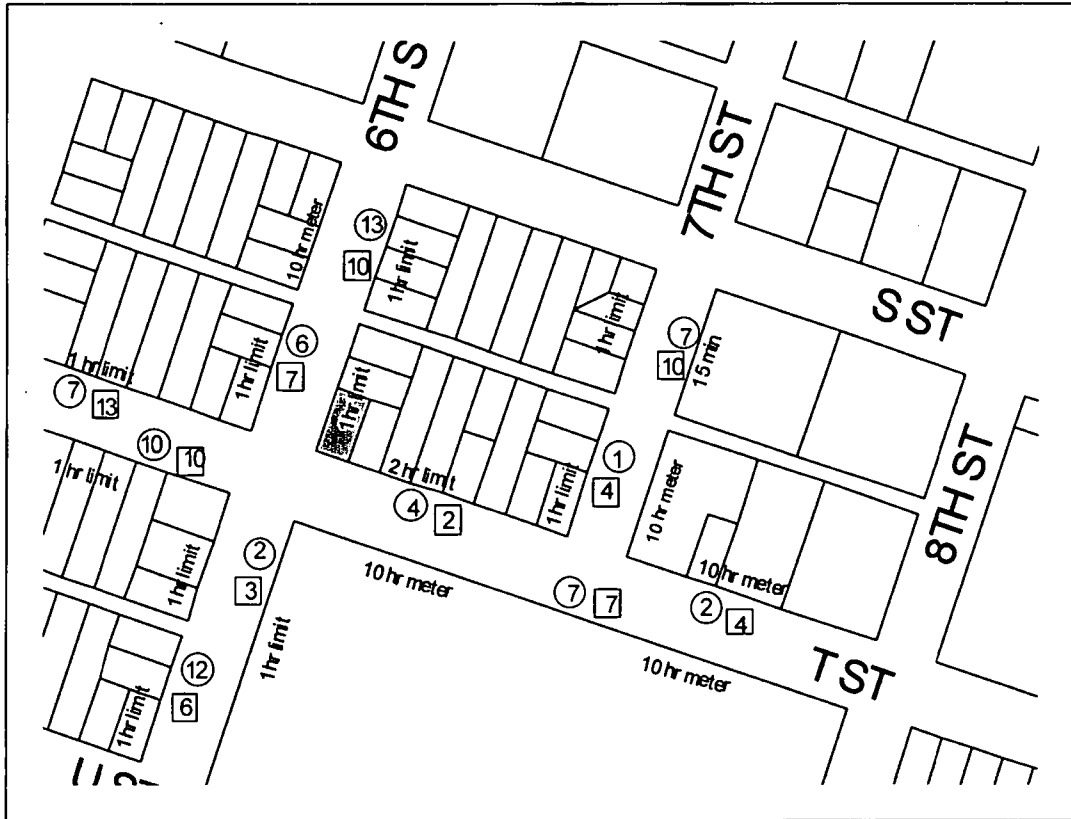
ITEM # 6
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Subdivision <u>20 Block 5-T-6-7</u>		Lot No. <u>112 W 1/2 # 8</u>	
Address <u>601-603 T St.</u>		Zoning <u>M.F.H</u>	
Census Tract <u>21</u>	Enum. Dist. <u>145</u>	Community <u>V1</u>	Neighborhood <u>D</u>
STRUCTURE	Residential	LAND USE	Other
Erection Date	<input type="checkbox"/> Vacant Lot	Units	<i>grocery store</i>
<u>1920</u>	<input checked="" type="checkbox"/> 1-Family	<u>1</u>	
No. of Stories	<input type="checkbox"/> 2-Family		
<u>2</u>	<input type="checkbox"/> Apartment		
Front Setback	<input type="checkbox"/> Court		
	<input type="checkbox"/> Units on Rear		
Bldg. Permit No.	Major Use <u>RET</u>		
	Lot Size <u>40' x 80'</u> Sq. Ft. <u>3200</u>		
Date Bldg. Permit	Lot Coverage _____ (%) Sq. Ft. Bldg: _____		
	Water Div. Acct. No. <u>8733-8734</u>		
Zoning History _____			
Remarks _____			
CPC No. 23 REAL PROPERTY RECORD			
			ZONING
			Rezoning _____
			Date _____
			Variance _____
			Date _____
			Inv & Rpt _____
			Date _____
			Spec. Pmt _____
			Date _____
			Home Occ _____
			Date _____
			GZDA _____
			Date _____

6th and T Streets
Parking Survey

SURVEY OF AVAILABLE ON STREET PARKING



SYMBOLS INDICATE DATE AND TIME OF DAY PARKING SURVEYED

- Wednesday 12:00 p.m., October 14, 1998
- Thursday, 12:00 p.m., October 22, 1998

ATTACHMENT 6

ITEM # 4
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MEMORANDUM

SACRAMENTO POLICE DEPARTMENT

TO : JEANNE CORCORAN
PLANNER

DATE: October 22, 1998

REF NO: LC8-10-17

FROM : LYNNE E. OHLSON, AA II *elo*
OFFICE OF OPERATIONS

SUBJECT: P98-086 SOUTHSIDE MARKET PATIO AREA

I have reviewed the application for outdoor seating at the Southside Market, 601 T Street. This market has an off-sale beer and wine license with conditions prohibiting on site consumption. The premises are located in an area that has had abuses of alcoholic beverage control acts and are immediately north of Southside Park which is posted for no alcoholic beverage consumption within 50 feet of the roadways due to the problems with public inebriation in the park. Our Department is concerned that permission to place tables on the sidewalk will cause a resurgence of the alcoholic related problems. We recommend that the patio area be approved but that no tables and chairs be placed on the public sidewalk or the property not confined to the enclosed patio area.

With that, we require the following conditions:

1. Applicant shall post and maintain on the premises and in the patio used in conjunction therewith notices clearly visible to the patrons of the establishment and parking lot and to persons on the public sidewalk stating, in block lettering, the following:

UNLAWFUL TO ENTER, BE OR REMAIN IN
PATIO AREA OR ADJACENT PUBLIC
SIDEWALK WITH AN OPEN ALCOHOLIC
BEVERAGE CONTAINER. C.P.C. 647e. (a);
S.C.C. 26.01.24(c).
2. The applicant shall monitor the patio area to ensure that alcoholic beverages are not consumed on site.
3. Lighting levels shall be as follows: A minimum of .25 foot-candles of illumination shall be provided at the surface of the patio during all hours of operation.

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4. No live entertainment, amplified sound or public address system shall be maintained on the exterior of the building or in the patio area.
5. Noise generated within the patio shall not be audible beyond the confines of the patio.
6. The hours for patio use are not to exceed 10:30 a.m. to 2:00 p.m.