

CITY PLANNING COMMISSION

1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814

APPLICANT	Carroll L. Lee, 1590 Waterwheel Drive #1, Sacramento, CA 95833		
OWNER	George Kufasimes, 521 35th Street, Sacramento, CA 95816		
PLANS BY	Carroll L. Lee, 1590 Waterwheel Drive #1, Sacramento, CA 95833		
FILING DATE	5/4/88	ENVIR. DET.	Neg. Dec.
ASSESSOR'S-PCL. NO.	007-152-023	REPORT BY	CS:vf

APPLICATION: Variance to waive six required on-site parking spaces.

LOCATION: 1309 - 21st Street

PROPOSAL: The applicant is requesting the necessary entitlements to locate a 30 seat dessert within half of the area of an existing building.

PROJECT INFORMATION:

General Plan Designation:	Community Neighborhood Commercial
1980 Central City Community Plan Designation:	General Commercial
Existing Zoning of Site:	C-2
Existing Land Use of Site:	Vacant Office Building

Surrounding Land Use and Zoning:

North: Bi-Valley Medical Clinic; C-2
South: Restaurant; C-2
East : Multiple Family Residential; C-2
West : Bank; C-2

Parking Required:	6 spaces
Parking Provided:	0 spaces
Property Dimensions:	41' x 80'
Property Area:	.07+ acres
Square Footage of Building:	3,071 sq. ft.
Height of Building:	1 story
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing
Exterior Building Materials:	Slump block/plywood facia
Roof Material:	Existing

PROJECT EVALUATION: Staff has the following comments:

A. Background Information:

On April 10, 1980, the Planning Commission heard a request for a variance to waive eight required on-site parking spaces for a new 3,071 sq. ft. office building (P8978). Staff recommended denial because street parking was limited during normal business hours along Capitol Avenue and 21st Street, and the office would negatively impact street parking in surrounding residential neighborhoods along 20th, 22nd and N Streets; the Commission denied the project and it was appealed to the

Council. The variance was approved by the Council on June 4, 1980, with the condition that four bus passes be provided (two per tenant) and recorded in the lease agreement.

On January 22, 1981, the City Planning Commission denied a special permit to establish a group care facility and heroin detoxification center and a variance to locate 16 required parking spaces off-site (P8251). The purpose of the proposal was to expand the existing Bi-Valley Medical Clinic facilities located just north of the subject site.

A third request was heard and denied by the Planning Commission on September 10, 1987, for a variance to locate 22 required parking spaces off-site (P87-104). The proposed use was for a 90 seat, full meal restaurant; a credit of eight spaces were applied to this proposal based upon the original eight space waiver by the City Council for the office use in 1980. The parking spaces were proposed at two nearby off-site locations owned by Great Western Bank. The bank would allow the use of the lots under a month-to-month lease agreement after bank business hours. Staff recommended denial of the variance. The finding of fact indicate that on-street parking would be impacted and that a time conflict could occur between restaurant employees and customers and bank employees that stay after hours.

B. Applicant's Proposal:

The applicant proposes to locate a 1,552 sq. ft. dessert diner within half of the area of an existing building. The elevations shown in Exhibit A illustrate half of the facade. The floor plans (Exhibit B) indicate that the diner will have a counter area, seating area, kitchen and restrooms. The seating area will be separated from the counter area by landscape planters with venetian style street lamps placed intermittently between planters. Although not shown to scale, the planters have been sketched in on the full size floor plans.

As indicated in the applicant's letter of intent (Exhibit C), the diner would not serve full meals. No baking is proposed on-site and the kitchen would be utilized for dishwashing only. Staffing would include two employees before 7:00 p.m. and three employees after 7:00 p.m. each day of the week.

The diner would operate during the following hours:

Monday - Thursday:	11:00 a.m. to 11:00 p.m.
Friday and Saturday:	11:00 a.m. to 3:00 a.m.
Sunday:	11:00 a.m. to 9:00 p.m.

Because the building utilizes almost the entire site no on-site parking is feasible. The applicant has submitted a letter from Great Western Bank (Exhibit D) which indicates the diner may use all 16 available parking spaces after bank closing hours on weekdays and anytime during the weekend. The diner, therefore, must rely on street parking along 21st Street (one hour meters), Capitol Avenue (two hour meters) and N Street (no restriction) before 5:00 p.m., Monday through Friday.

The off-site parking lot is shown in Exhibit E which is located directly across the street from the diner on the west side of 21st Street. The lease agreement would be on a month-to-month basis.

The applicant has indicated that a five year lease agreement has been signed with the owner of the building. Building permits for tenant improvements have been approved. At the time building permits were applied for, reviewed and approved, the application plans indicated the restaurant would be take-out only, with no seating.

C. Staff Evaluation:

Staff's main concern is that no off-site parking is proposed, especially during the hours of 11:00 a.m. to 5:00 p.m., Monday through Friday. Since off-site parking is not available during all hours of the diner's operation, the applicant is requesting a waiver of six of the 10 required parking spaces. A credit of four spaces is granted based upon an eight space waiver in 1980 for the entire area of the building, (four is applicable based on use of half the building).

Staff has evaluated the project and based upon the discussion below, staff is not opposed to the waiver of six parking spaces.

D. Type of Use/Hours of Operation:

The applicant indicates that the majority of business will occur after 8:00 p.m., Monday through Friday and during the weekends. During the lunch hour, Monday through Friday, most of the business will be walk-in and take-out. To see if these hours were basically accurate, staff compared the proposal to a very similar use, Rick's Dessert Diner at 2322 K Street. The Manager of Rick's has indicated that based on their sales receipts, that show the hour of sale, 75 percent of their business, Monday through Friday is after 8:00 p.m. Their daytime peak hour, Monday through Friday, is at 10:00 a.m., when they open and between 12:30 p.m. and 1:30 p.m. During these times, no more than seven seats are occupied at any one time and most people take out and stay under 10 minutes.

Staff anticipates a very similar situation for the proposed project. Therefore, the majority of people during regular business hours will walk in, and take out food.

- E. Surrounding Uses - There are several office uses along L, M and N Streets and along 21st Street in the surrounding area. Most customers are expected to be employees from these nearby uses and, therefore, will walk instead of drive to the dessert diner. Customers having lunch at Juleps' Restaurant (adjacent to and south of the site) may stop by to take-out a dessert after lunch or dinner.

Patients of the Bi-Valley Medical Clinic located north of and adjacent to the site, utilize their own parking (15 off-site spaces) approximately 80 feet east of the clinic on the same block.

During the diner's lunch time peak hour (12:30-1:30), there are generally one to three available parking spaces along 21st Street between M and N Streets, with approximately half of the cars leaving every six to ten minutes, (field observations 5-20-88 and 5-24-88).

- F. Off-Site Parking During Evening Hours:

Customers dining at Juleps' Restaurant in the evening, use the Great Western Bank parking lot where the applicant proposes off-site parking through a lease agreement. Juleps does not have a lease agreement with the bank, therefore, the diner could hire an employee to monitor parking for their customers in the evening which the Bank is not opposed to. Based on a field observation, Friday, May 27, 1988, at 7:30 p.m., Juleps utilizes almost all of the 16 available parking lot spaces, and on-street parking is very limited between Capitol and N Streets. Therefore, a conflict is likely to occur and staff suggests that an employee should be hired to monitor the parking lot when it becomes a problem. Juleps was granted a waiver of 10 parking spaces in 1978 and an additional waiver of 10 in 1983 when they expanded.

Staff has consulted with the Building Department concerning the issuance of building permits for tenant improvements. The permits were issued in May 1988. No final approvals have been made. The plan checker has indicated that based on a 50 person occupancy limit for one exit, the customer service area shall be limited to 437 sq. ft. This area must also accommodate a clear pathway width of three feet, six inches to the exit. The Building Department was not informed at the time of permit application that the restaurant included seating. Therefore, before a certificate of occupancy can be issued, the seating arrangement plans will need to be reviewed and approved by the Building Department to be sure they meet pathway clearance requirements. The Building Department has indicated the 30 seats may have to be slightly reduced in order to meet Building Code Requirements. Staff is opposed to expansion of the proposed customer service area in the future. The reason is that more seats can be added with the increased floor area. Based upon previous approvals, that restricted the number of seats, it is generally the rule that the number is exceeded. For example, juleps was approved for 60 seats and now has approximately 88-90 seats.

Rick's Dessert Diner was approved for 24 seats in 1986, and now has approximately 38 indoor and eight outdoor seats. Celestines was approved for 30 seats in 1983 and has been cited by Code Enforcement for exceeding the approved amount.

Staff recommends that any future change in use of the building be heard by the Commission. This would allow staff and the Commission the opportunity to review the new use in relating to parking conditions.

D. Agency Review:

The project has been reviewed by Traffic Engineering, TSM Coordinator, Engineering, Building Inspections, Police, Water and Sewer, Sacramento Old City Association and the Midtown Business Association. The following comments were received.

1. Police Department - If the restaurant is to be open after sunset, we will ask for a minimum maintained lighting of one foot candle, as measured at the surface of the off-site parking lot.
2. Midtown Business Association - The diner is mainly oriented toward take-out and most customers will only stay a short period of time. Would like to see this type of business in this location.

ENVIRONMENTAL DETERMINATION: The Environmental Coordinator has determined that the project will not have a significant impact on the environment and has issued a negative declaration.

RECOMMENDATION: Staff recommends the Commission take the following actions:

- A. Ratify the Negative Declaration.
- B. Approve the variance to waive the six required on-site parking spaces.

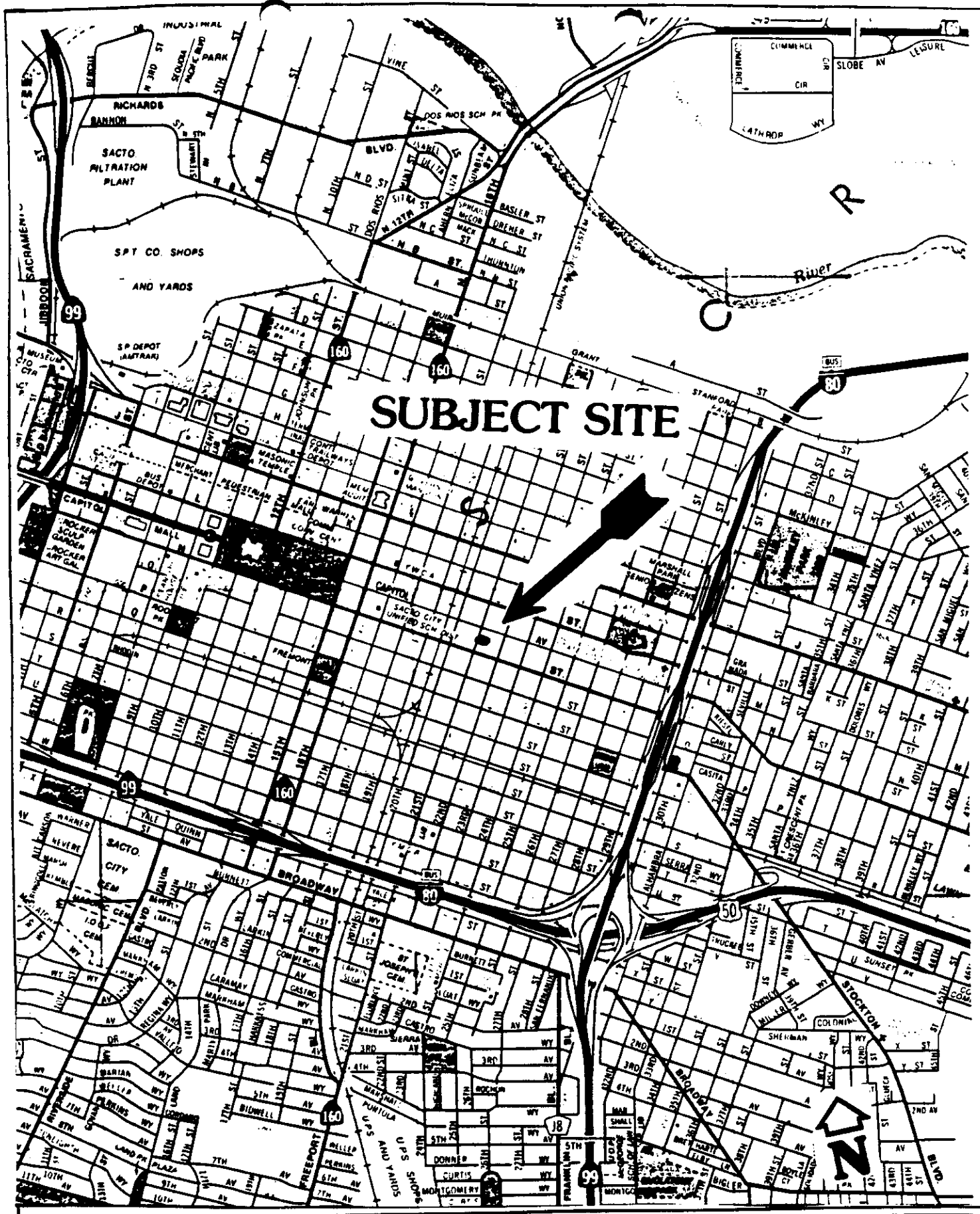
Conditions:

1. Only desserts shall be served; no meals shall be served.
2. The dessert diner shall not exceed 30 chairs.
3. The customer service area (seating and standing) shall not exceed the square footage set by the Building Department per exit/occupancy requirements of the Uniform Building Code.
4. The customer service area (seating and standing, shown on the plans) shall not be expanded in the future.
5. No table service shall be provided.

6. The applicant shall sign a lease agreement with Great Western Bank for weekday hours after 5:00 p.m. and for weekend use. A copy of this agreement shall be submitted to staff prior to building permit final approval.
7. Sign permits are required for all new signage.
8. A planter shall be placed between the seating area and counter customer service area.
9. A final floor plan showing seating arrangements, landscape planters and clear pathway exit to the door shall be submitted to Planning Staff and the Building Department before permits can be finalized and a certificate of occupancy issued.
10. Prior to final building permit approval, the applicant shall provide evidence that the original conditions for approval of the parking variance have been complied with (bus passes).

Findings of Fact:

1. The project, as conditioned, is based upon sound principles of land use in that the proposed 30 seat dessert diner is compatible with surrounding land uses which include office, bank, restaurant, and multiple family.
2. The project, as conditioned, will not be detrimental to public health, safety or welfare, or result in the creation of a nuisance in that:
 - a. The project, as conditioned, does not constitute a special privilege to one individual property owner, in that under similar circumstances, the parking variance would also be warranted.
 - b. The variance to waive six required parking spaces will not significantly impact the availability of on-street parking spaces during normal business hours because the majority of the customers are expected to be working in the area or already doing business in the area.
 - c. Evening and weekend customer will have adequate parking available at the Great Western Bank parking lot.
3. The proposed project is consistent with the General Plan in that the site is designated for Community Neighborhood Commercial and the 1980 Central City Community Plan designates the site for office, general commercial. The diner is allowed under both designations.

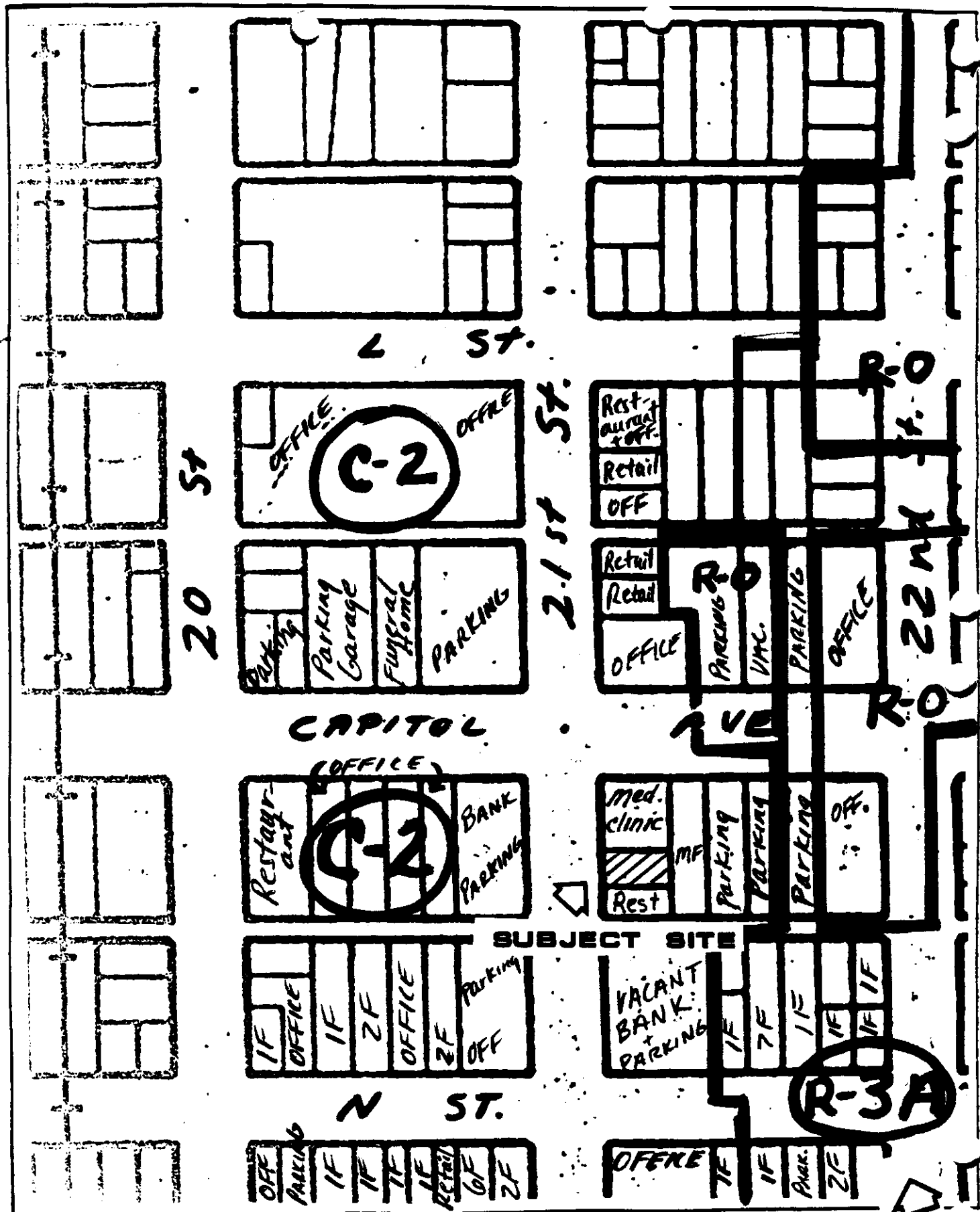


VICINITY MAP

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6-9-88

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LAND USE & ZONING MAP

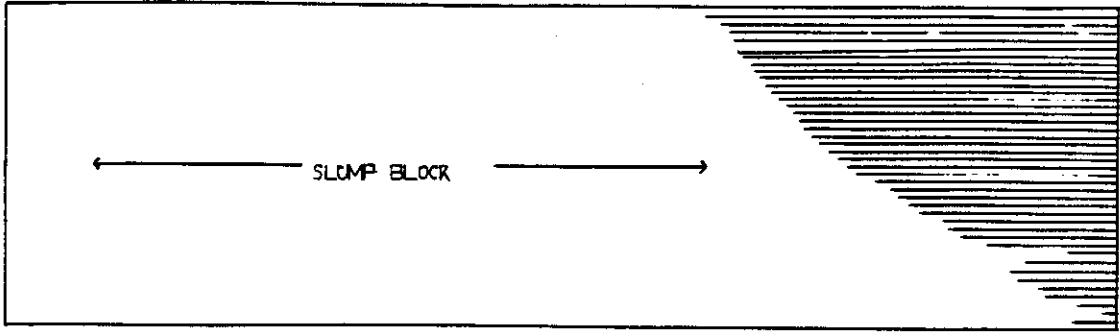
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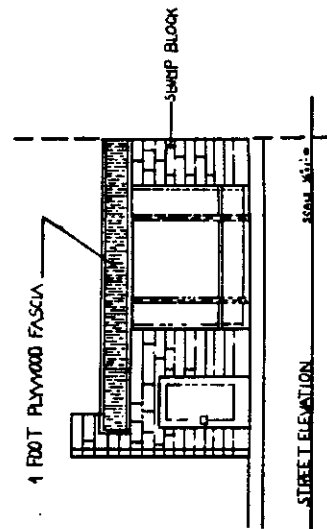
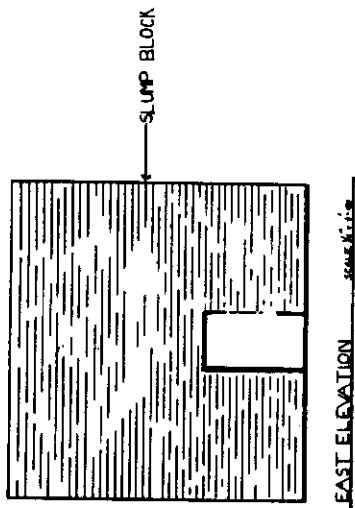
Item 21

EXHIBIT A

ELEVATIONS



NORTH-SOUTH ELEVATION SCALE 1/4" = 1'-0"



P88-204

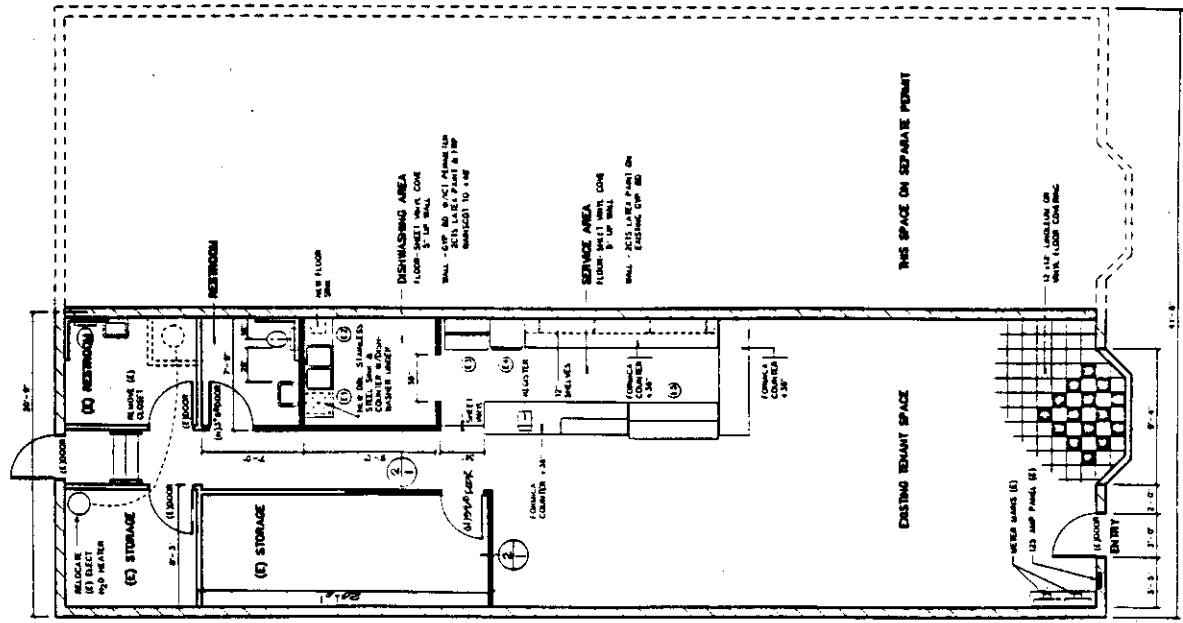
6-9-88

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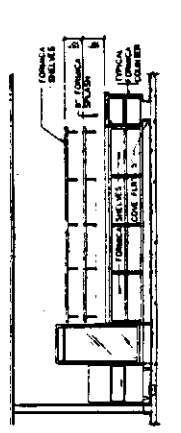
TENANT IMPROVEMENT
1309 21 STREET
SACRAMENTO

EXHIBIT B

Scale 1/8" = 1'-0"
Sheet 1 of 2



FLOOR PLAN
SCALE 1/8" = 1'-0"



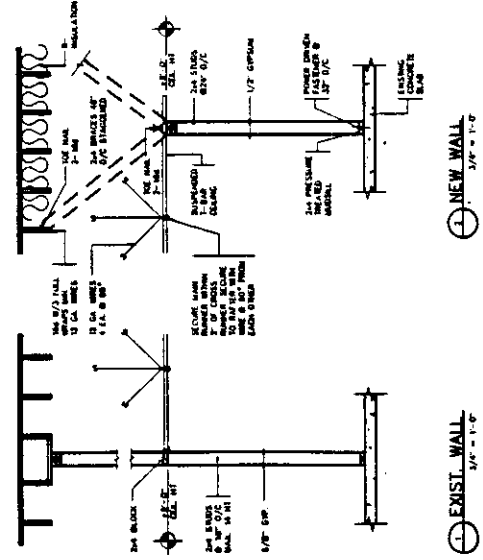
SERVICE AREA ELEVATION
SCALE 1/8" = 1'-0"

EQUIPMENT SCHEDULE

NO.	DESCRIPTION	QUANTITY	REMARKS
E-1	1/2\"/>		
E-2	30\"/>		
E-3	1\"/>		
E-4	1\"/>		
E-5	1\"/>		

- GENERAL NOTES**
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 1997 CALIFORNIA BUILDING CODE.
 - TYPE OF CONSTRUCTION SHALL BE AS SHOWN ON DRAWINGS.
 - TYPE OF OCCUPANCY SHALL BE AS SHOWN ON DRAWINGS.
 - ALL NEW WALLS AND NON-FINISHING WALLS SHALL BE CONCRETE BLOCK WITH 1/2\"/>

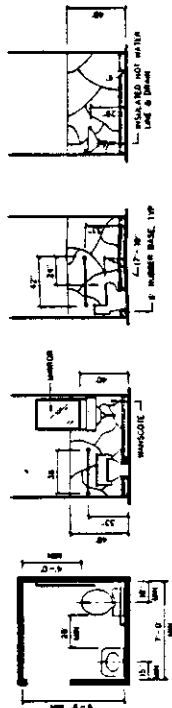
- LEGEND**
- WALL TO BE REINFORCED
 - EXISTING WALL
 - NEW WALL
 - EXISTING 2\"/>



SECTION DETAIL
SCALE 1/4\"/>

FINISH SCHEDULE

ROOM	FINISH	WALLS	CEILING	FLOOR	DOORS	WINDOWS
RESTROOM	1\"/>					
STORAGE	1\"/>					
EXISTING TENANT SPACE	1\"/>					



RESTROOM ELEVATIONS
SCALE 1/8\"/>

- HANDICAP NOTES**
- RESTROOM SHALL BE ACCESSIBLE TO ALL HANDICAPPED PERSONS. THE RESTROOM SHALL BE LOCATED ON THE MAIN FLOOR AND SHALL BE ACCESSIBLE BY A SHORTCUT ROUTE FROM THE MAIN ENTRANCE.
 - THE RESTROOM SHALL BE LOCATED ON THE MAIN FLOOR AND SHALL BE ACCESSIBLE BY A SHORTCUT ROUTE FROM THE MAIN ENTRANCE.
 - THE RESTROOM SHALL BE LOCATED ON THE MAIN FLOOR AND SHALL BE ACCESSIBLE BY A SHORTCUT ROUTE FROM THE MAIN ENTRANCE.
 - THE RESTROOM SHALL BE LOCATED ON THE MAIN FLOOR AND SHALL BE ACCESSIBLE BY A SHORTCUT ROUTE FROM THE MAIN ENTRANCE.
- CRAB BARS**
- CRAB BARS SHALL BE INSTALLED AT ALL EDGES OF THE RESTROOM.
 - CRAB BARS SHALL BE INSTALLED AT ALL EDGES OF THE RESTROOM.
 - CRAB BARS SHALL BE INSTALLED AT ALL EDGES OF THE RESTROOM.
- DOORS**
- ALL DOORS SHALL BE 36\"/>

EXHIBIT C

LETTER OF INTENT

Carroll L. Lee
dba CHOCOLATE RIPPLE DESSERTS
1309 21st Street
Sacramento, Calif., 95814

1. Operate dessert shop at 1309 21st Street for re-sale only.
2. Hours of operation:

Monday- Thursday	11 A.M. to 11 P.M.
Friday-Saturday	11 A.M. to 3 A.M.
Sunday	11 A.M. to 9 P.M.
3. Parking: Rent 15 space lot owned by Great-Western Bank at 1300 21st Street. Month to month rental. Hours of rental 5 ~~7~~ P.M. to 7 A.M. Monday through Thursday and ~~7~~ P.M. on Friday. Conforming with bank closing.
4. Staffing; owner and maximum of 1 assistant during daylight hours and maximum staffing of 3 after 7 P.M.
5. Kitchen: NO ON SITE BAKING. Kitchen to house dishwasher, sink and storage of glassware. No other purpose.
6. Seating: Request seating of 36 spaces, would accept a minimum of 24 seating spaces.
7. Product: wide selection of gourmet, low calorie and health related desserts conforming to standards of National Diabetic Association, Heart Association and meeting guidelines for persons with high blood pressure. Line consists of three separate categories, total of 48 dessert selections.
8. VARIANCE: Request parking variance to accomodate 36 seats maximum, 24 seat minimum.

Carroll L. Lee
Carroll L. Lee
Owner

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6-9-88

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EXHIBIT D

1300 21st Street
Post Office Box 13488
Sacramento, California 95813
(916) 440-0101

April 20, 1988

Chocolate Ripple Desserts
Carroll Lee
1590 Waterwheel Drive
Sacramento, CA 95833

Re: Parking Lease Proposal

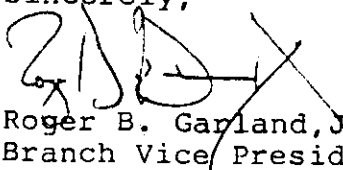
Dear Mr. Lee:

Great Western Bank is willing to lease you a total of 15 parking spaces at 1300 21st Street, Sacramento, CA 95814 under the following terms:

1. Term to be on a month-to-month basis.
2. Rental amount of \$315 per month.
3. Hours of operation - Monday thru Thursday 5:00 PM to 7:00 AM and Friday, 7:00 PM to 7:00 AM.
4. After hour insurance to be obtained by tenant.
5. The maintenance of the parking lot after hours will be at the expense of the tenant.
6. Lease is to include a Hold Harmless Clause, Tenant waiving any rights to collect against Great Western due to damages to cars or accidents caused on our lot.
7. Payment of \$300 security deposit.

If you find the above terms as proposed to be acceptable, please sign where indicated below.

Sincerely,


 Roger B. Garland, Jr.
 Branch Vice President

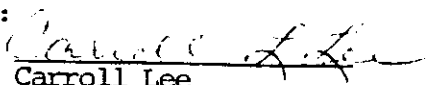
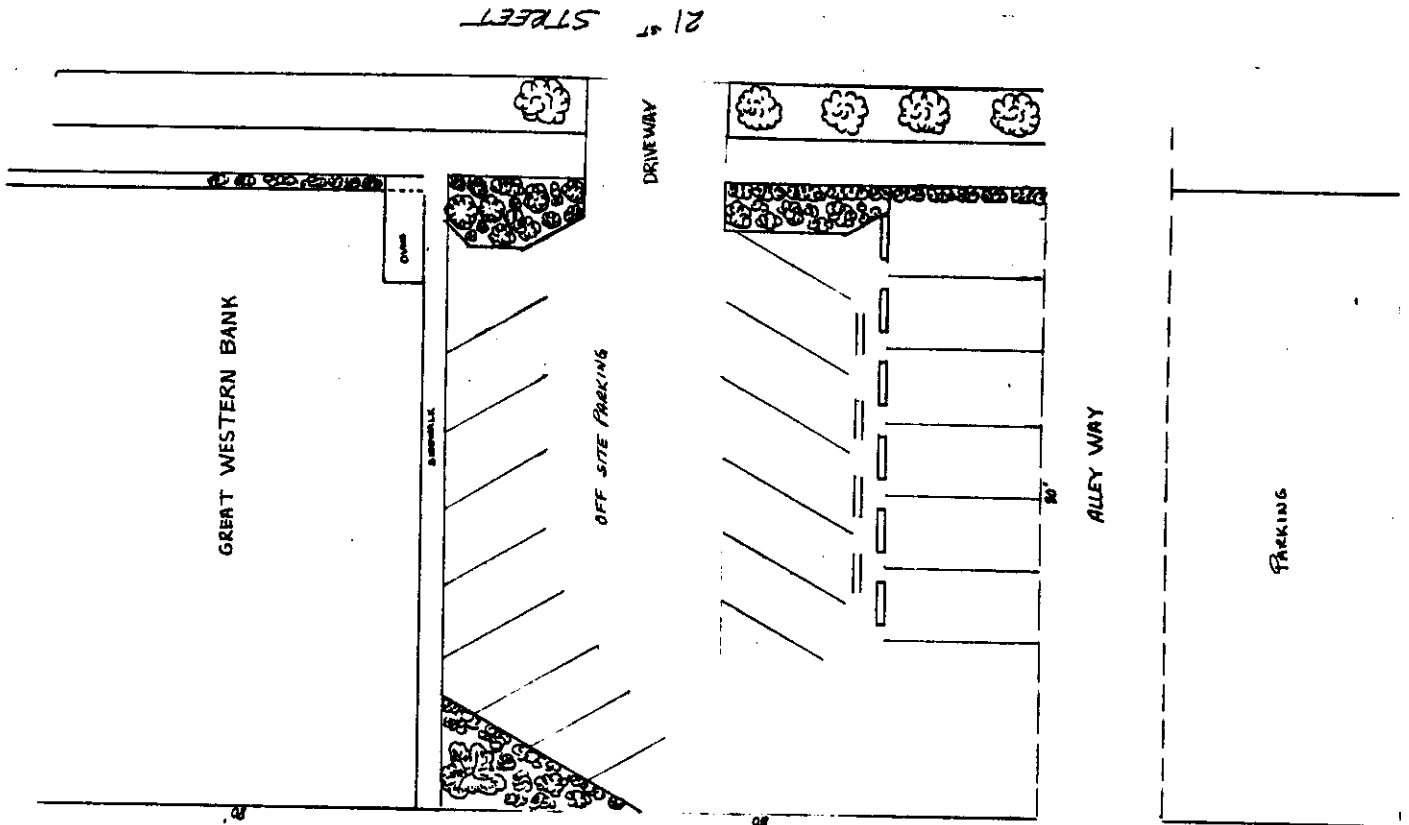
ACCEPTED: 
 Carroll Lee
 Date: May 3 1988

EXHIBIT E

PROPOSED PARKING SITE
TO BE LEASED FROM GREAT
WESTERN BANK.

SCALE 1/4" = 1'-0"



OFF-SITE PARKING



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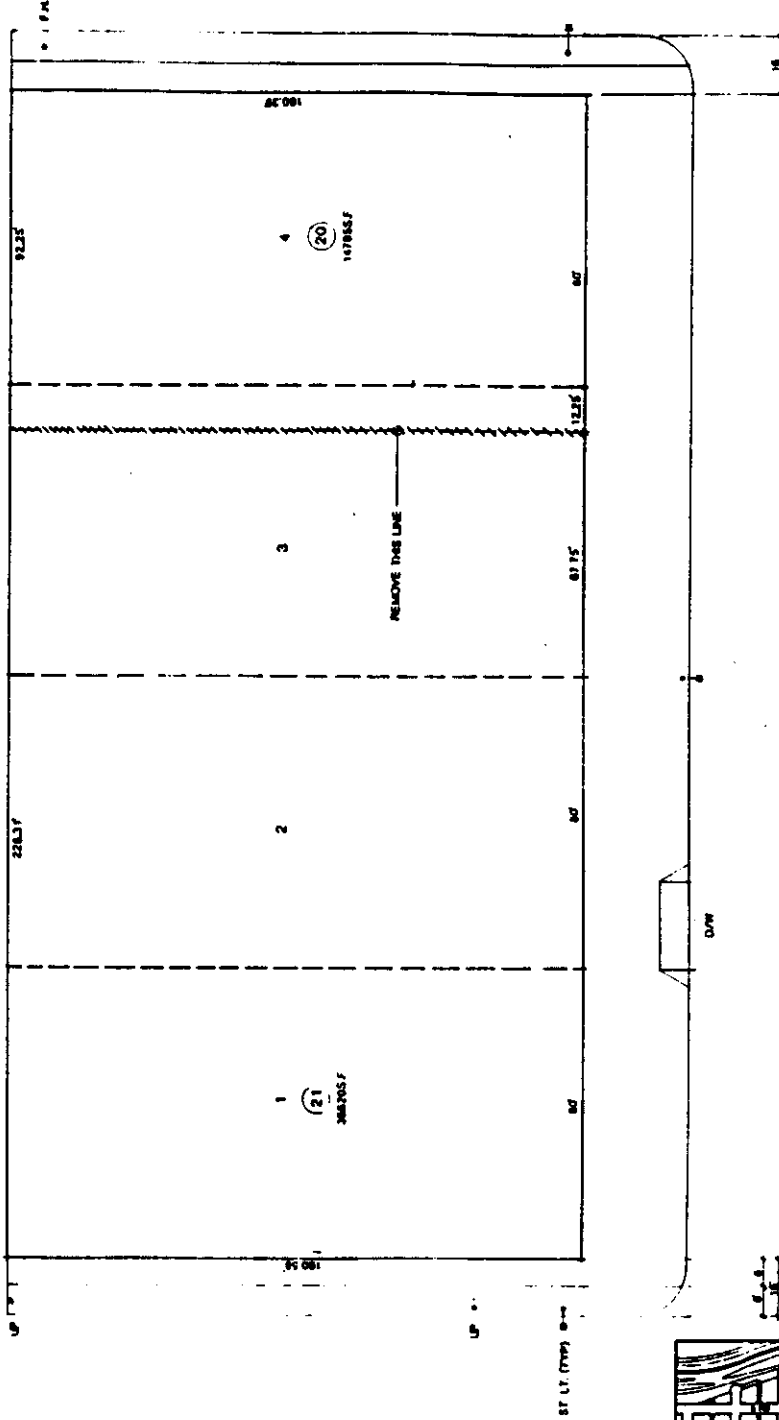


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APPROVED BY: [Signature]
CITY PLANNING
01-14-88
01-17-88

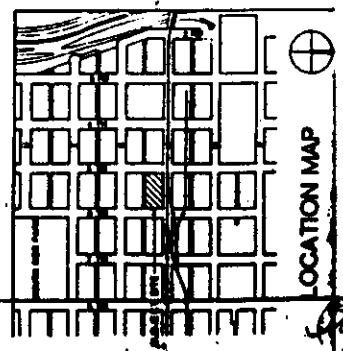


Job No. 06018 DFR
Scale 1/4" = 1'-0"
Part: North
Sheet Title
**LOT LINE
ADJUSTMENT SIT
PLAN**
400 R STREET
Sheet No.

EXHIBIT B



NOTE: ALL EXISTING STRUCTURES ARE TO BE DEMOLISHED LEAVING PROPERTY CLEAR WITHIN SAID BOUNDARIES.



P86-456

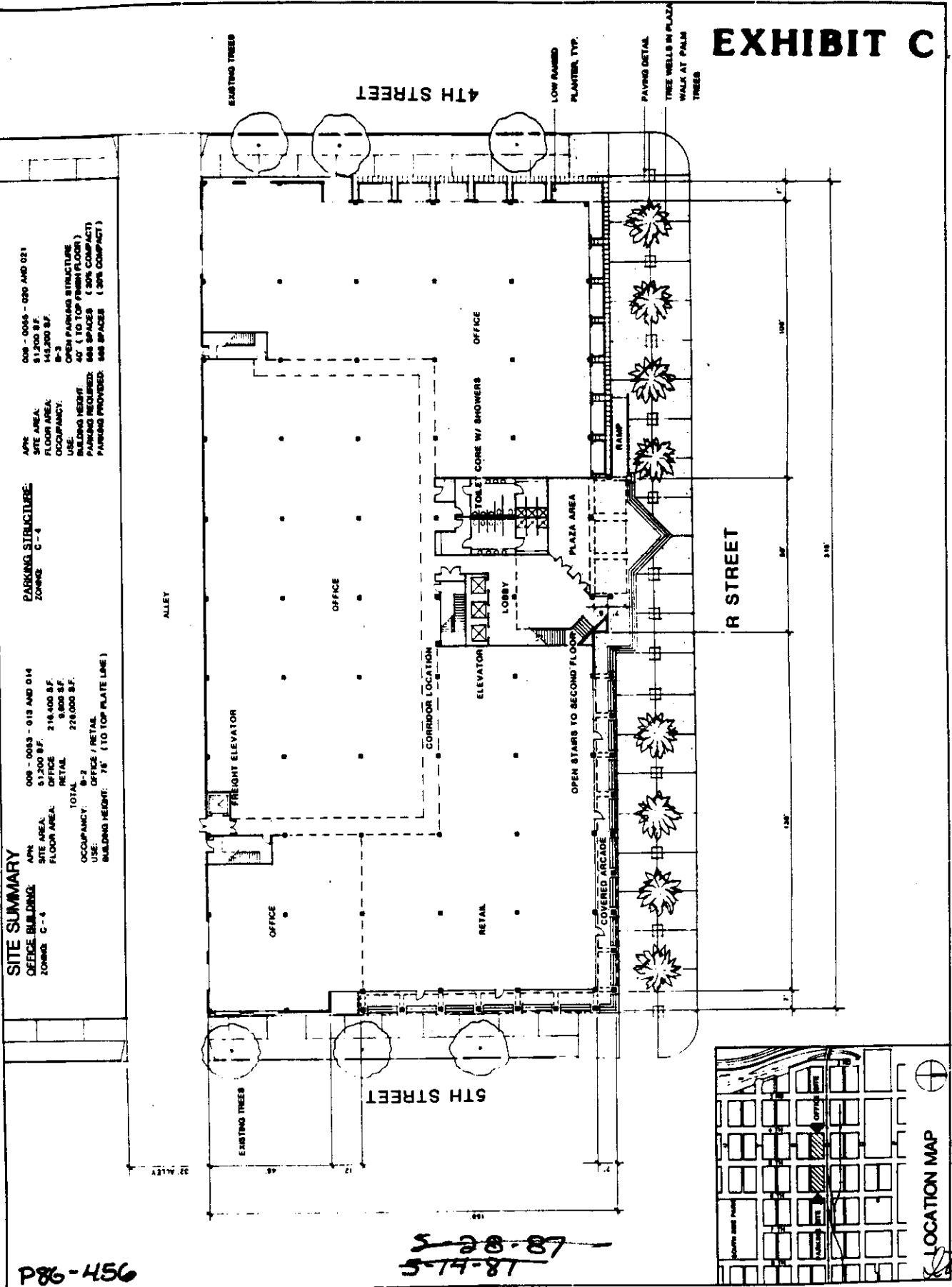
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Stem 72



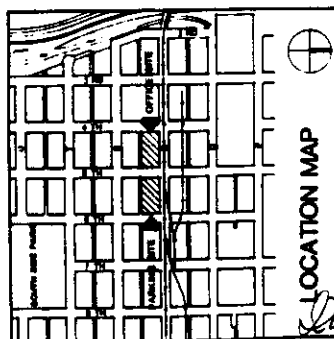
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EXHIBIT C



SITE SUMMARY
 OFFICE BUILDING
 ZONING: C-4
 APN: 0083 - 013 AND 014
 SITE AREA: 51,200 S.F.
 FLOOR AREA: OFFICE 218,400 S.F.
 RETAIL 9,800 S.F.
 TOTAL 228,200 S.F.
 OCCUPANCY: B-2
 USE: OFFICE / RETAIL
 BUILDING HEIGHT: 75' (TO TOP PLATE LINE)

PARKING SCHEDULE
 ZONING: C-4
 APN: 0055 - 050 AND 021
 SITE AREA: 51,200 S.F.
 FLOOR AREA: 141,200 S.F.
 OCCUPANCY: B-3
 USE: OPEN PARKING STRUCTURE
 47 TO 100' DEEP FLOORS
 400 SPACES (50% COMPACT)
 400 SPACES (50% COMPACT)
 PARKING PROVIDED: 800 SPACES



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5-28-87
 5-19-87
 6-9-87

LOCATION MAP
 2
 Jim 76