

City Planning Commission
Sacramento, California

Members in Session:

SUBJECT: Variance to waive five required parking spaces for an existing restaurant at 1300 H Street (P88-438)

SUMMARY: Staff has reevaluated the proposal and finds that the waiver of parking can be supported based on utilizing parking at 13th and I City Parking Garage.

BACKGROUND INFORMATION: On December 1, 1988, the requested variance entitlement was continued at the request of the applicant to the January 12, 1989 Planning Commission meeting. The applicant requested the continuance in order to meet with Planning staff and work out a solution to the parking deficiency. Planning staff had originally recommended a denial of the variance (see attached report) to waive five parking spaces in an existing restaurant. However, the applicant has agreed to an alternative by staff to resolve the potential on-street parking demand due to waiver of five parking spaces.

STAFF REVALUATION: Staff met with the applicant, and suggested a validated parking process to alleviate the parking deficiency. The applicant has agreed to offer validated parking in the City's Community Center garage located one-half block from the restaurant at 13th and I Streets. A sign will be installed near the restaurant entrance and cash register indicating the validation service and the location of the specific parking garage. It is during the lunch time hours that the demand for parking is at its highest. The City's Parking Division has indicated that during the lunch hours, the 13th and J garage has parking available. Based on the agreement to offer validated parking, staff recommends approval of the variance request.

RECOMMENDATION: Staff recommends the Commission approve the variance with conditions and based upon findings of fact which follow:

Conditions

1. The applicant shall establish a validated parking procedure to the satisfaction of the City Parking Division and Planning Director. This procedure shall include signage in the restaurant that indicates the validation service and location of the 13th and J garage, and a written agreement by the applicant to provide a validated parking program.
2. The restaurant shall contain a maximum of 40 seats.

Findings of Fact

1. Granting the variance would not be a special privilege extended to one property owner in that the applicant has agreed to a validated parking procedure and program.

2. The proposed use, if granted, would not be injurious to the public health, safety and welfare and to properties in the vicinity in that the validated parking procedure will encourage patrons to park in the garage and not on the street.
3. The proposed project complies with the following goals of the Central City Plan.
 - a. provide for a range of commercial activities which meet the needs of the residents, employees, and visitors to the Central City;
 - b. continue to provide cultural and entertainment activities in the Central City so as to increase the usage of the Central Business District.

Respectfully submitted,

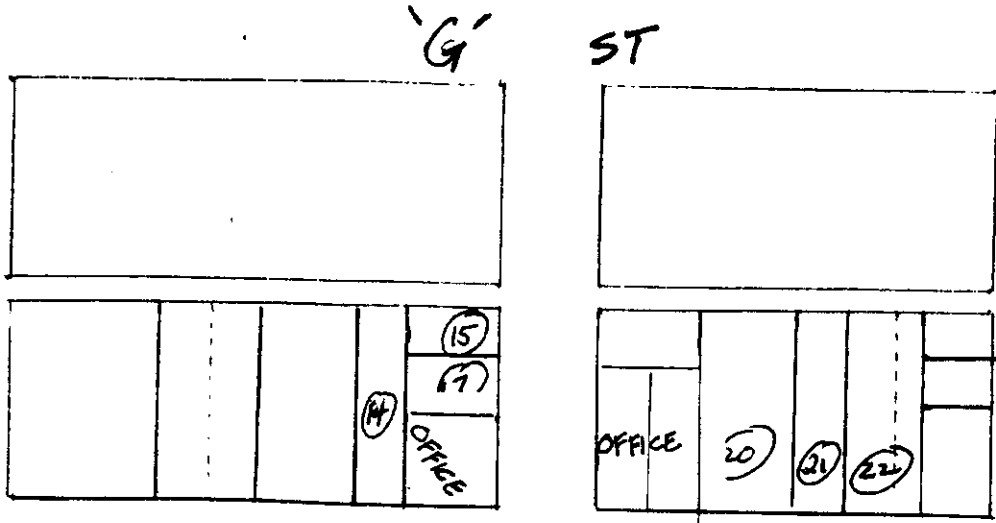

Will Weitman,
Senior Planner

WW:PW:vf

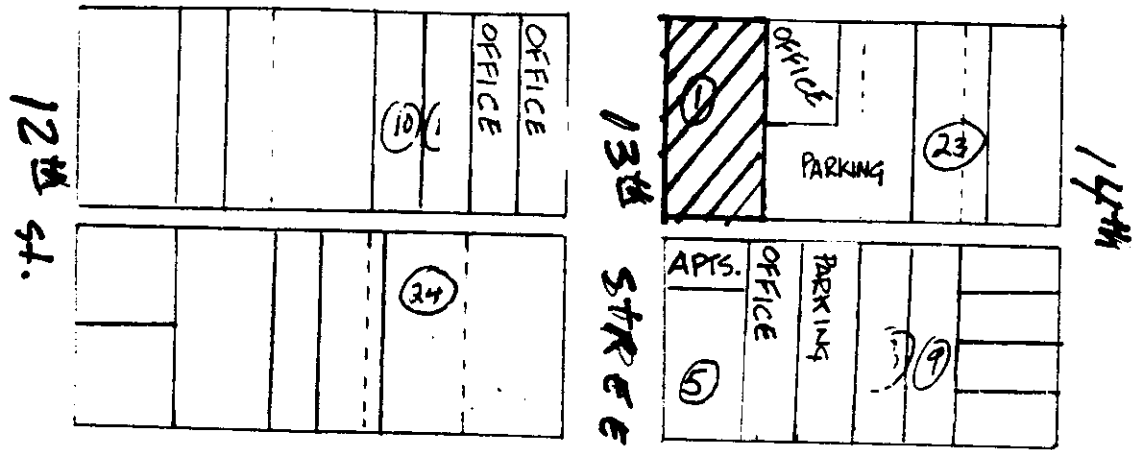
P88-438

January 12, 1989

Item #:



'H' STREET



'I' ST.

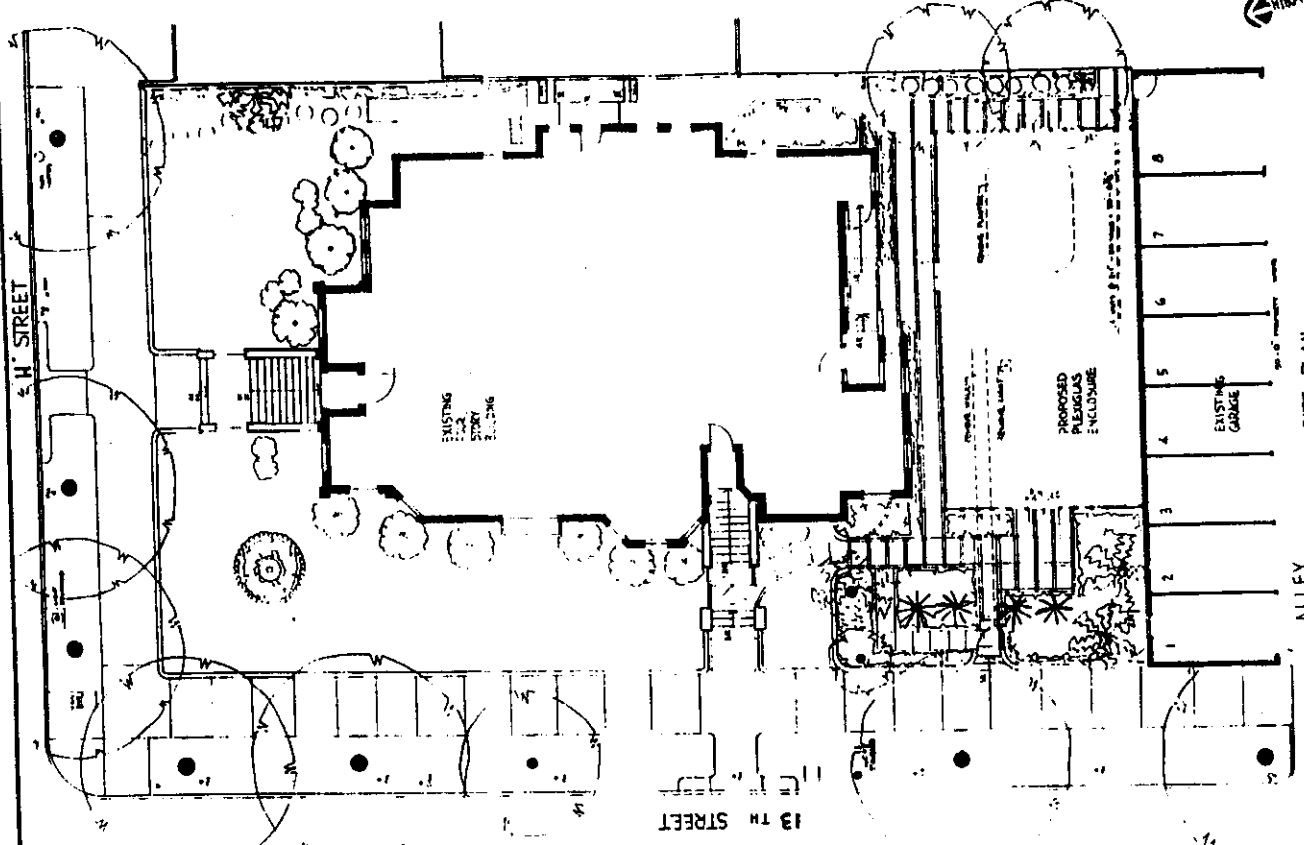


* ALL SURROUNDING ZONING IS C-2

VICINITY - LAND USE - ZONING



SITE PLAN



PB87-015

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P88-438

item # 20

CITY PLANNING COMMISSION

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

APPLICANT	Richard Kann, 1300 H Street, Sacramento, CA 95814		
OWNER	Elizabethan Inn Association, 1300 H Street, Sacramento, CA 95814		
PLANS BY	Dick Zeiner, Architect		
FILING DATE	10/20/88	ENVIR. DET.	15305
ASSESSOR'S PCL. NO.	006-0530-001	REPORT BY	PW:vf

APPLICATION: Variance to waive five required parking spaces for an existing restaurant on 0.27+ developed acre in the General Commercial (C-2) zone located at 1300 H Street.

LOCATION: 1300 H Street

PROPOSAL: The applicant is requesting the necessary entitlements to continue the operation of an existing restaurant.

PROJECT INFORMATION:

General Plan Designation:	Commercial
1980 Central City Community Plan Designation:	Commercial
Existing Zoning of Site:	C-2
Existing Land Use of Site:	Hotel/restaurant

Surrounding Land Use and Zoning:

North: Office, Residential; C-2
South: Office, Residential; C-2
East : Office, Parking; C-2
West : Office; C-2

Parking Required: 13 (Hotel and Restaurant)
Parking Provided: 8

STAFF EVALUATION: Staff has the following comments:

A. Land Use and Zoning

The subject site is a 0.27+ acre corner lot developed with a 12 room hotel and restaurant. The site is zoned General Commercial (C-2) and is designated in both the General Plan and 1980 Central City Plan for commercial uses. Surrounding land uses are a mix of residential, office and commercial uses zoned C-2.

B. Proposal

The applicant is requesting to waive the five required parking spaces for an existing restaurant. The restaurant, the Chanterelle, is located in the basement of the Sterling Hotel. The hotel is located at the southeast corner of 13th and H Streets and has been open since Spring of 1988.

APPLC. NO. P88-438 MEETING DATE December 1, 1988 ITEM NO. 3
1-9-89

The five parking space requirement for the restaurant is based on a determination made by staff and submitted to the applicant on March 9, 1988 (see Exhibit A). Based on one parking space per two rooms, the 12 room hotel requires six on-site parking spaces. The forty seat restaurant at a ratio of one space per three seats (1:3 ratio) requires 13 additional on-site parking spaces. With the assumption that at least six guests will use the restaurant, a reduction of parking to seven spaces for the restaurant use permitted (40 seats). The site has eight on-site parking spaces in the form of garages. Since there are two spaces over the six required for the hotel on-site, a total of five on-site spaces are required for the restaurant use. The following table summarizes the parking requirement:

12 room hotel	<u>6</u> spaces required
40 seat restaurant	<u>13</u> spaces required
reduction based on six guests using restaurant	<u><6></u> spaces
"Revised" restaurant requirement	<u>7</u> spaces
Restaurant (7) plus hotel (6)	<u>13</u> spaces required
Existing on-site	<u>8</u> spaces
Total restaurant requirement	<u>5</u> spaces on-site

C. Evaluation

The subject restaurant has been in operation serving 40 seats for several months while in violation of the City Zoning Ordinance. Back in March of 1988, the applicant was notified that in order to open the restaurant with 40 seats, a variance must be obtained from the City Planning Commission. Further, the applicant was told that if any seats over 25 were provided in the restaurant, the City Nuisance Abatement Division would be notified to enforce parking requirement for the seating expansion. On April 22, 1988, the Nuisance Abatement Division wrote the applicant, again advising him of the variance requirement and to explain that the matter was being referred to the City attorney (see Exhibit B). Throughout this process, the applicant had been indicating to staff that five off-site spaces were being sought. The applicant advised staff that five spaces had been rented to the rear of the hotel as exclusive parking for the restaurant. An inspection of the site indicated no rented spaces. Finally, on October 20, 1988, the applicant submitted an application for a variance; not for five off-site spaces, but to waive the requirement. Staff objects to this request. When the restaurant was being planned, it was indicated to staff that the intent was for the restaurant to be used by hotel guests only. The occupancy permits were based

on this assumption. The restaurant opened up without resolving the parking deficiency problem. Today, the restaurant, which is open for breakfast, lunch and dinner, has a large clientele aside from its hotel guests. Staff has observed the area surrounding the site for available on-street parking on several occasions. The street parking consists of one and two hour parking meters and residential permits. On-street parking during weekday hours are very limited. However, in the evenings and on weekends on-street parking is readily available. The waiver of required parking will increase the on-street parking demand in the area.

Staff has three alternatives to suggest in order to alleviate the problem. A 15 seat reduction in the restaurant would bring the use into conformance with the Zoning Ordinance. The restaurant could close during breakfast and lunch hour and by offer only dinner and weekend daily service, staff could be willing to recommend approval of the variance. The applicant, as originally indicated, could locate and lease five off-site spaces nearby to be used by the restaurant patrons. The obtaining of the off-site spaces must be demonstrated to the satisfaction of the Planning Director in the form of a written lease. Barring none of these alternatives being pursued, and executed, staff is recommending denial of the variance request. The applicant has not demonstrated to staff any hardship to warrant such a request.

ENVIRONMENTAL DETERMINATION: The proposed project is exempt from environmental review pursuant to State EIR Guidelines (CEQA Section 15305).

RECOMMENDATION: Staff recommends the Commission deny the variance request based on findings of fact which follow:

Findings of Fact

1. Granting the variance would be a special privilege extended to one property owner in that the reduction of 15 seats will bring the project into conformity with the Zoning Ordinance. No unique circumstances or hardship exists for the proposed use;
2. The proposed use, if granted, would be injurious to the public health, safety and welfare and to properties in the vicinity in that employees and patrons will park off-site on adjacent lots or on the street and would therefore increase the on-street parking demand;
3. The project would not comply with the following goal of the Central City Community Plan:

"Provide adequate off-street parking to meet the needs of shoppers, visitors and residents."

EXHIBIT A

DEPARTMENT OF
PLANNING AND DEVELOPMENT

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
ROOM 200
SACRAMENTO, CA
95814-2998

BUILDING INSPECTIONS
916-449-5716

PLANNING
916-449-5604

March 9, 1988

Mr. Richard Kann
Driver Mansion Inn
2019 21st Street
Sacramento, CA 95818

SUBJECT: STERLING HOTEL, 1300 N STREET, PARKING REQUIREMENTS

Dear Mr. Kann:

On February 18, 1988, Art Gee and I met with you to discuss the parking requirements for your hotel and restaurant and the process to resolve the parking problem. We have determined that an additional five (5) parking spaces are required for the restaurant use.

Based on one parking space per two rooms, the 12 room hotel will require six on-site parking spaces. Your project has eight on-site parking spaces in the form of garages. Free standing restaurants or restaurants located in shopping centers or hotels require parking at a ratio of one space per three seats (1:3 ratio). You indicated the restaurant will have 40 seats and will be open to the public and used by guests of the hotel. This would require 13 additional on-site parking spaces. With the assumption that at least six guests will be using the restaurant, we would permit a reduction of parking to seven spaces for the restaurant use (40 seats). Also, since there are two spaces over the six required for the hotel (guest rooms) on-site, a reduction to five spaces would be allowed.

Therefore, a total of five parking spaces would be required for the 40 seat restaurant. These five spaces must be located off-site at a reasonable distance from your hotel.

In order to open your restaurant with 40 seats, you must obtain a variance from the City Planning Commission. Our office can allow you to open your restaurant with 28 seats (minus 15 seats - 5 parking spaces) until a variance is issued. If any more seats over 28 are provided in the restaurant, the City Nuisance Abatement Division will be notified to enforce the seating expansion.

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To expedite this process, we suggest that you submit the variance application (enclosed) in the next ten (10) days, or by March 21, 1988. If the application is not submitted by March 21, 1988, our office will inspect the restaurant seating for code compliance.

Your immediate attention to this matter is appreciated.

Yours Truly,


Will Weitman
Senior Planner

WW:rt

cc: Tom Long, Nuisance abatement
Art Gee, Principal Planner
Tim Sullivan, Superintendent Building Division

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EXHIBIT B

DEPARTMENT OF
PLANNING AND DEVELOPMENT

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
SACRAMENTO, CA

ADMINISTRATION
ROOM 500
95814-2987
916-449-5571

ECONOMIC DEVELOPMENT
ROOM 300
95814-2987
916-449-1223

NUISANCE ABATEMENT
ROOM 301
95814-3982
916-449-5948

April 22, 1988

Mr. Richard Kahn
Driver Mansion Inn
2019 21st Street
Sacramento, CA 95818

Re: STERLING HOTEL, 1300 H STREET, PARKING REQUIREMENTS

Dear Mr. Kahn:

On March 9, 1988, you were advised by Will Weitman, City Planning Division, by letter, that the hotel restaurant would be allowed to open and operate with 28 seats. If the seating capacity was maintained at 40 seats, 5 off-site parking places, located a reasonable distance from the hotel, would be required. However, you were required to obtain a variance from the City Planning Commission to approve the off-site parking. You were given until March 21, 1988 to submit the application for the variance to the City Planning Division. A copy of Mr. Weitman's letter is enclosed herewith.

On April 8, 1988, Will Weitman and myself counted the seating in the restaurant and found seating for 38 persons. We then contacted you in regards to the parking and variance requirements. You advised us that you had rented 5 spaces to the rear of the hotel (a site we inspected) and they would be signed that day as exclusive parking for the hotel. You were again requested to submit your application for a variance.

Continued inspections to date has found that the signs have not been erected. Also, you have not submitted your application for a variance as required.

In view of the above circumstances, I am referring this matter to the City Attorney, for appropriate legal action to gain code compliance.

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If you have any questions concerning this matter, please contact Will Weitman at 449-5604, or the undersigned at 449-5948.

Yours Truly,

MICHAEL HANAMURA
NUISANCE ABATEMENT MANAGER

By: 
Thomas L. Long
Assistant Nuisance Abatement Manager

TLL/ob

enclosure

cc: Michael Davis
Robert Wall
Marty Van Duyn
Tim Sullivan
Michael Hanamura
Art Gee
✓ Will Weitman

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