

CITY PLANNING COMMISSION

927 10TH STREET, SUITE 300 - SACRAMENTO, CALIFORNIA 95814

APPLICANT	Ted Walker - 1805 First Avenue, Sacramento, CA 95818		
OWNER	Pat Melarkey - 1517 Broadway, Sacramento, CA 95818		
PLANS BY	Ted Walker - 1805 First Avenue, Sacramento, CA 95818		
FILING DATE	9-13-83	50 DAY CPC ACTION DATE	10-27-83
REPORT BY:	SC:sg		
NEGATIVE DEC.	Ex. 15111(b) EIR	ASSESSOR'S PCL. NO.	009-261-10 & 11

APPLICATION: Modification of a variance to delete a condition of approval that relates to abandonment of a public alley located between the subject site and the proposed off-site parking in the General Commercial C-2 zone on a 0.3± acre site.

LOCATION: 1517 Broadway

PROPOSAL: The applicant is requesting to modify a condition of approval on a variance request in conjunction with the development of a nightclub. The condition to be waived required the public alley be abandoned.

PROJECT INFORMATION:

1974 General Plan Designation: Commercial/Offices
1980 Central City Community
Plan Designation: General Commercial
Existing Zoning of Site: C-2
Existing Land Use of Site: Restaurant/bar - subject site; bank & parking lot - off-site

Surrounding Land Use and Zoning:

North: Commercial; C-2
South: Restaurant; C-2
East: Commercial/retail; C-2
West: Commercial/bank; C-2

Parking Required: 36 spaces
Parking Provided: 36 spaces to be located off-site
Property Dimensions: 80' x 150'
Property Area: 5,600 square feet
Square Footage of Building: 3,900± square feet
Height of Structure: One-story warehouse/restaurant
Topography: Flat
Street Improvements: Existing
Utilities: Existing
Exterior Building Colors: Beige
Exterior Building Materials: Stucco

BACKGROUND INFORMATION: On May 26, 1983 the Planning Commission approved a variance request to allow off-site parking in conjunction with a nightclub development subject to conditions (P83-113). One condition required that the public alley between the proposed nightclub and off-site parking be abandoned. This condition was required because the proposed nightclub is to provide access off the alley and it was believed the alley would conflict with pedestrians and traffic along Broadway. The applicant had no objections to the alley abandonment at the time of the public hearing. Subsequent to this meeting the applicant learned of concerns over the alley abandonment by neighboring property owners who use this alley section to gain access to Broadway. Although this alley is not

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essential for access, it appears to be the most desirable route and, therefore, staff has no objections to the deletion of this condition.

This is the second request for a modification on a condition of approval for a variance to allow off-site parking. On October 27, 1983 the Commission approved a modification on a requirement that a long term lease be provided for the off-site parking. Staff was not aware that the applicant needed to modify the condition requiring the alley abandonment in adequate time to have this request properly noticed. The applicant, therefore, requested these issues be considered separately due to timing constraints.

The proposed modification was reviewed by the City Traffic Engineer and they indicated no objections to the request.

RECOMMENDATION: Staff recommends the Commission approve the modification of a condition to require an alley abandonment subject to the following findings of fact:

Findings of Fact - Variance

1. The variance modification does not constitute a special privilege extended to one property owner in that the alley abandonment is not essential in meeting the parking needs of this project and neighboring property owners object to the alley closure. The modification would, therefore, be granted to other property owners under similar circumstances.
2. The proposed variance does not constitute a disservice and will not be injurious to the public welfare or other properties in the vicinity in that the alley will allow public access to neighboring properties which is the preference of these property owners.
3. The project is consistent with the 1974 General Plan and the 1980 Central City Plan which designate the site for commercial uses and designates the alley as remaining open.

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STAFF REPORT AMENDED 5-26-83.
CITY PLANNING COMMISSION

927 10TH STREET, SUITE 300 - SACRAMENTO, CALIFORNIA 95814

APPLICANT	Ted Walker, Architect - 1805 1st Avenue, Sacramento, CA 95818				
OWNER	Pat Melarkey - 1517 Broadway, Sacramento, CA 95818				
PLANS BY	Ted Walker, Architect - 1805 1st Avenue, Sacramento, CA 95818				
FILING DATE	4-8-83	50 DAY CPC ACTION DATE	5-26-83	REPORT BY:	SC:SQ
NEGATIVE DEC. EX.	151111(b)	EIR		ASSESSOR'S PCL. NO.	009-261-10 & 11

APPLICATION: Variance to locate 36 required parking spaces off-site for a proposed nightclub facility in the General Commercial (C-2) zone on a .3+ acre site.

LOCATION: 1517 Broadway

PROPOSAL: The applicant is requesting a variance to locate the parking required for a 109 seat nightclub off-site in an adjacent parking lot.

PROJECT INFORMATION:

1974 General Plan Designation: Commercial
1980 Central City Community
Plan Designation: General Commercial
Existing Zoning of Site: C-2
Existing Land Use of Site: Vacant commercial structure
Surrounding Land Use and Zoning:
North: Commercial - auto repair; C-2
South: Commercial - restaurant; C-2
East: Commercial - retail; C-2
West: Commercial - bank; C-2
Parking Required: 36 spaces
Parking Provided: 36 spaces off-site
Property Dimensions: 80' x 150'
Property Area: 5,600 sq. ft.
Square Footage of Building: 3,900+ sq. ft.
Height of Structure: 1 story warehouse
Topography: Flat
Street Improvements: Existing
Utilities: Existing
Exterior Building Colors: Beige
Exterior Building Materials: Stucco

BACKGROUND INFORMATION: The subject site is located on an alley at the rear of an existing restaurant and bar. The applicant had intended to expand the bar/restaurant (Melarkey's) to include the proposed nightclub facility, however, the site of the nightclub is on a different parcel; and therefore, cross access will be prohibited.

Access to the nightclub will be gained from the alley. The parking is proposed to be located off-site in an adjacent parking lot which is used for daytime parking by a financial institution (Bank of America).

STAFF EVALUATION: Staff has the following comments regarding this request:

1. The proposed nightclub facility is to be located in an existing warehouse structure. On-site parking is unavailable for the proposed new use. The

APPLC. NO. ~~P83-113~~ 3/2
P83-312

00314 MEETING DATE ~~May 26, 1983~~
10-27-83
12-1-83

CPC ITEM NO. ~~47~~
47
18

applicant has indicated that off-site parking will be available for the nightclub during the late evening hours in an adjacent existing parking lot. The parking lot is used during regular business hours by the neighboring bank. There are 36 spaces available for use by the nightclub between the hours of 9 pm and 2 am.

2. The applicant has indicated that the seating capacity of the proposed club will be limited to 109 seats. Based on the required ratio of one parking space per each three seats, the required parking will be available at the off-site location.
3. The nightclub access is to be gained off the public alley. Staff has concern regarding pedestrian safety and traffic problems if the alley is retained for through traffic. In light of this concern, staff is recommending the alley between the off-site parking and the proposed nightclub be abandoned.
4. The City Building Inspections Division has reviewed the applicant's plans and has indicated that certain changes will be required to meet code. Of specific concern by Building Inspections was a door that opened through an existing property line. This door or access will have to be eliminated before the use can be established.

STAFF RECOMMENDATION: Staff recommends the Commission approve the requested variance to locate 36 required parking spaces off-site, subject to the following conditions and based on findings of fact which follow:

Conditions - Variance

- a. The applicant shall provide written evidence for the approval of the City Attorney of the applicant's ~~exclusive~~ right to use the 36 off-site parking spaces for a ~~ten~~/year period. *(amended by CPC to: ...spaces during the approved hours for a five year period.)*
- b. The public alley located between the subject site and the proposed off-site parking shall be abandoned. The alley abandonment shall be completed prior to issuance of a certificate of occupancy.
- c. The applicant shall post a directional sign indicating the location of the off-site parking for patrons of the nightclub. The sign shall be reviewed and approved by the Planning Director prior to issuance of a certificate of occupancy.
- d. Plans for the nightclub entrance design shall be submitted to the Design Review Board for review and approval prior to issuance of a building permit.
- e. The hours of operation shall be from 9 ^{pm}am to 2 am. *(CPC amended to: With exception of weekends and holidays, hours of operation shall be from 6 PM to 2 AM.)*
- f. The number of seats shall not exceed 109.

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P83-312

May 26, 1983
~~10-27-83~~
12-1-83

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Findings of Fact - Variance

- a. The variance as conditioned does not constitute a special privilege extended to one individual property owner in that off-site parking variances have been granted to other property owners under similar circumstances.
- b. The proposed variance does not constitute a disservice and is not injurious to public welfare or other properties in the vicinity in that adequate parking will be provided off-site and in close proximity to the commercial use.
- c. The project is consistent with the 1974 General Plan and the 1980 Central City Plan which designate the site for commercial uses.

~~P83-113-312~~
P83-312

~~May 26, 1983~~

~~10-27-83~~
12-1-83

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003146

CITY PLANNING COMMISSION

927 - 10th Street, Suite 300 - SACRAMENTO, CALIFORNIA 95814

APPLICANT	Ted Walker, 1805-First Avenue, Sacramento, CA 95818		
OWNER	Pat Melarkey, 1517 Broadway, Sacramento, CA 95818		
PLANS BY	Ted Walker, 1805 First Avenue, Sacramento, CA 95818		
FILING DATE	9/13/83	50 DAY CPC ACTION DATE	10-27-83
		REPORT BY:	SC:bw
NEGATIVE DEC	Exempt 15111(b) EIR	ASSESSOR'S PCL. NO.	009-261-10 & 11

APPLICATION: Modification of the conditional approval of a variance to locate 36 required parking spaces off site for a nightclub use in the General Commercial (C-2) zone on a 0.3± acre site.

LOCATION: 1517 Broadway

PROPOSAL: The applicant is requesting to modify a condition of approval requiring a long-term lease for the purpose of locating 36 parking spaces off site in an adjacent lot.

PROJECT INFORMATION:

1974 General Plan Designation:	Commercial/Offices
1980 Central City Community Plan Designation:	General Commercial
Existing Zoning of Site:	C-2
Existing Land Use of Site:	Restaurant/Bar: subject site; Bank and Parking lot: off site

Surrounding Land Use and Zoning:

North:	Commercial; C-2
South:	Restaurant; C-2
East:	Commercial/Retail; C-2
West:	Commercial/Bank; C-2
Parking Required:	36 spaces
Parking Provided:	36 spaces to be located off site
Property Dimensions:	80' x 150'
Property Area:	5,600 square feet
Square Footage of Building:	3,900 ±
Height of Structure:	One-story warehouse/restaurant
Topography:	Flat
Street Improvements/Utilities:	Existing
Exterior Building Colors:	Beige
Exterior Building Materials:	Stucco

BACKGROUND INFORMATION: This project involves a request to allow off-site parking in conjunction with the development of a nightclub. The project was reviewed by the Planning Commission on May 26, 1983 at which time the Commission recommended approval of the request, subject to amended conditions. One condition required the applicant to submit written evidence of the applicant's right to use 36 parking spaces in an adjacent parking lot. The applicant has not been able to obtain a lease or written confirmation of his right to use these spaces for the nightclub and is therefore requesting a modification of the conditional approval for the parking variance. Attached is the original staff report for the Commission's information.

APPLC. NO. P83-312

003147

MEETING DATE October 27, 1983

CPC ITEM NO. 27

STAFF EVALUATION: Staff has the following comments regarding this request:

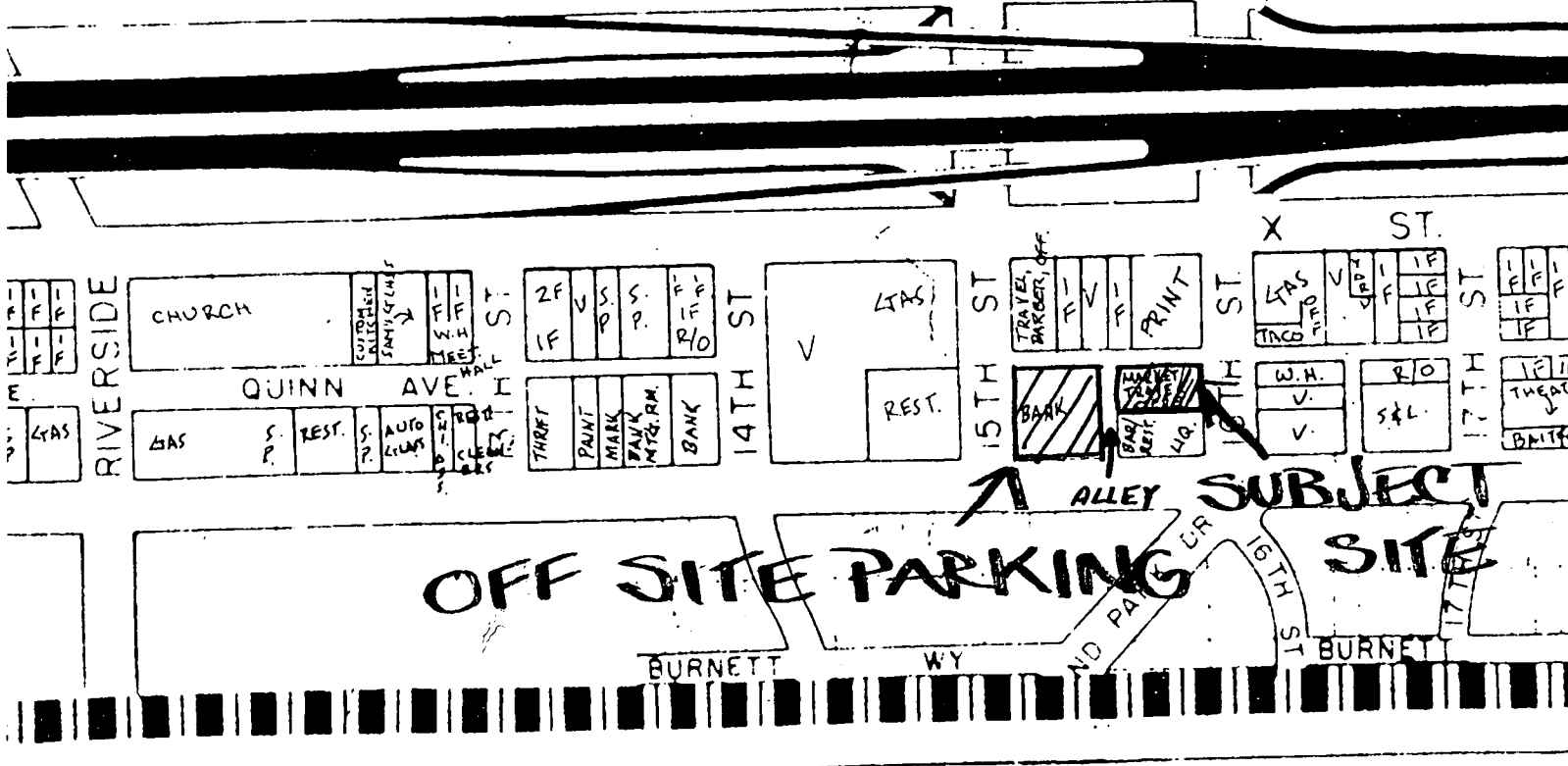
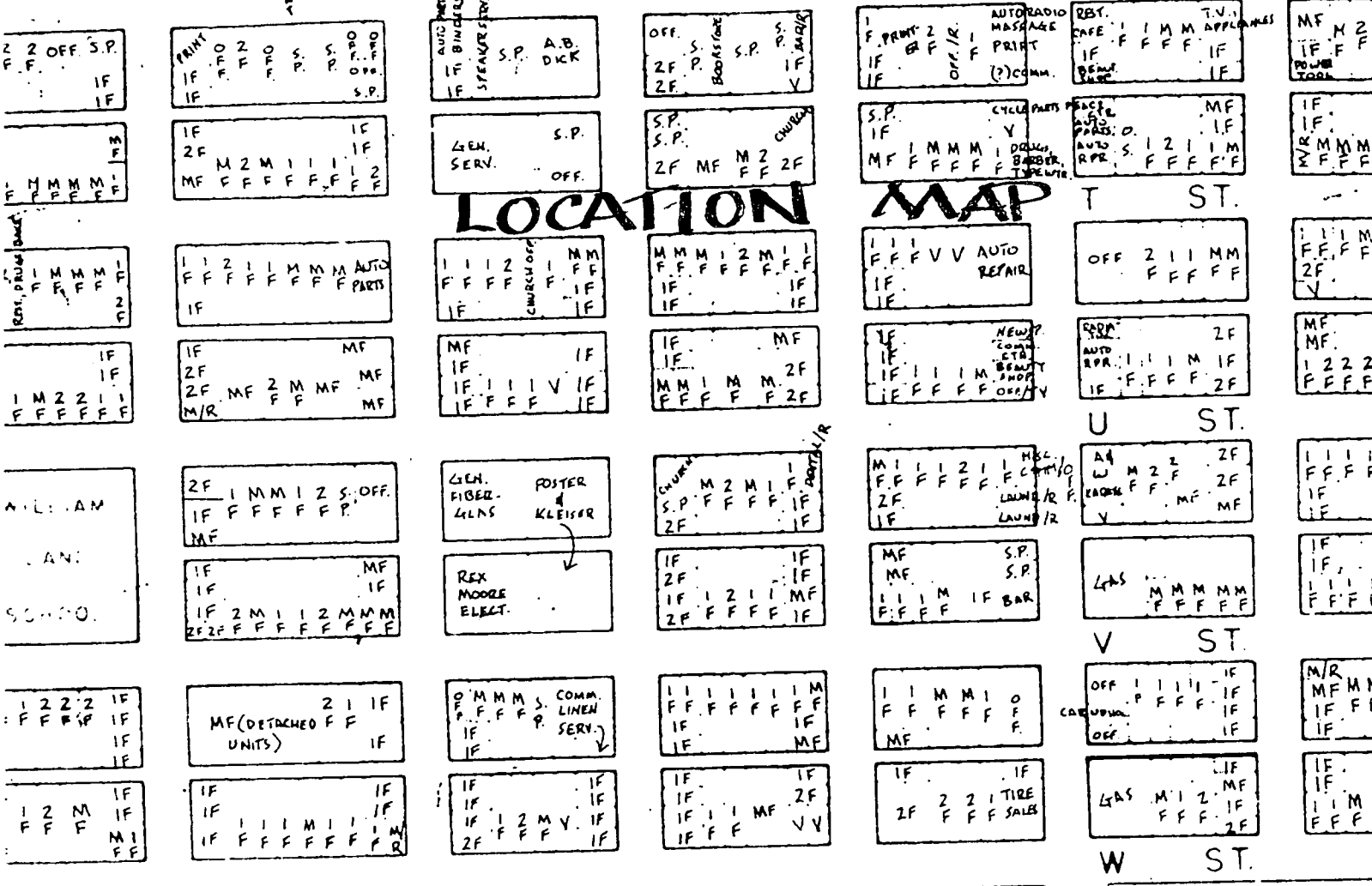
1. The applicant has submitted correspondence from the Bank of America regarding the use of 36 parking spaces needed to meet the parking requirement for the proposed nightclub. The bank has been reluctant to commit these spaces to the applicant. The bank has, however, indicated that the parking spaces are available for use by merchants in the area when the bank is not open. (See attached Exhibit 'A'.) In addition, attached are letters from surrounding merchants and citizens in support of the project.
2. Staff has concern regarding the possibility of parking problems in this area if the parking lot were no longer available to meet the parking needs of the nightclub use. This concern is the result of the applicant's inability to obtain a formal commitment for the use of these spaces. Since it is possible that the off-site parking may not be available in the future, staff cannot support the applicant's request.

STAFF RECOMMENDATION: Staff recommends the Commission deny the request to modify the conditions of approval to locate 36 required parking spaces off site, based upon the following Findings of Fact.

Findings of Fact - Variance

- a. The Variance as proposed constitutes a special privilege extended to one property owner in that other property owners in the area have been required to meet the minimum parking for new uses or expanded uses.
- b. As proposed, this Variance constitutes a disservice to the public welfare and other property owners in the vicinity in that guaranteed parking is not available for the nightclub use and parking problems may result.
- c. The project as proposed is not consistent with the Zoning Ordinance which requires one parking space for each three seats for this use.

003145



Legend: 003151

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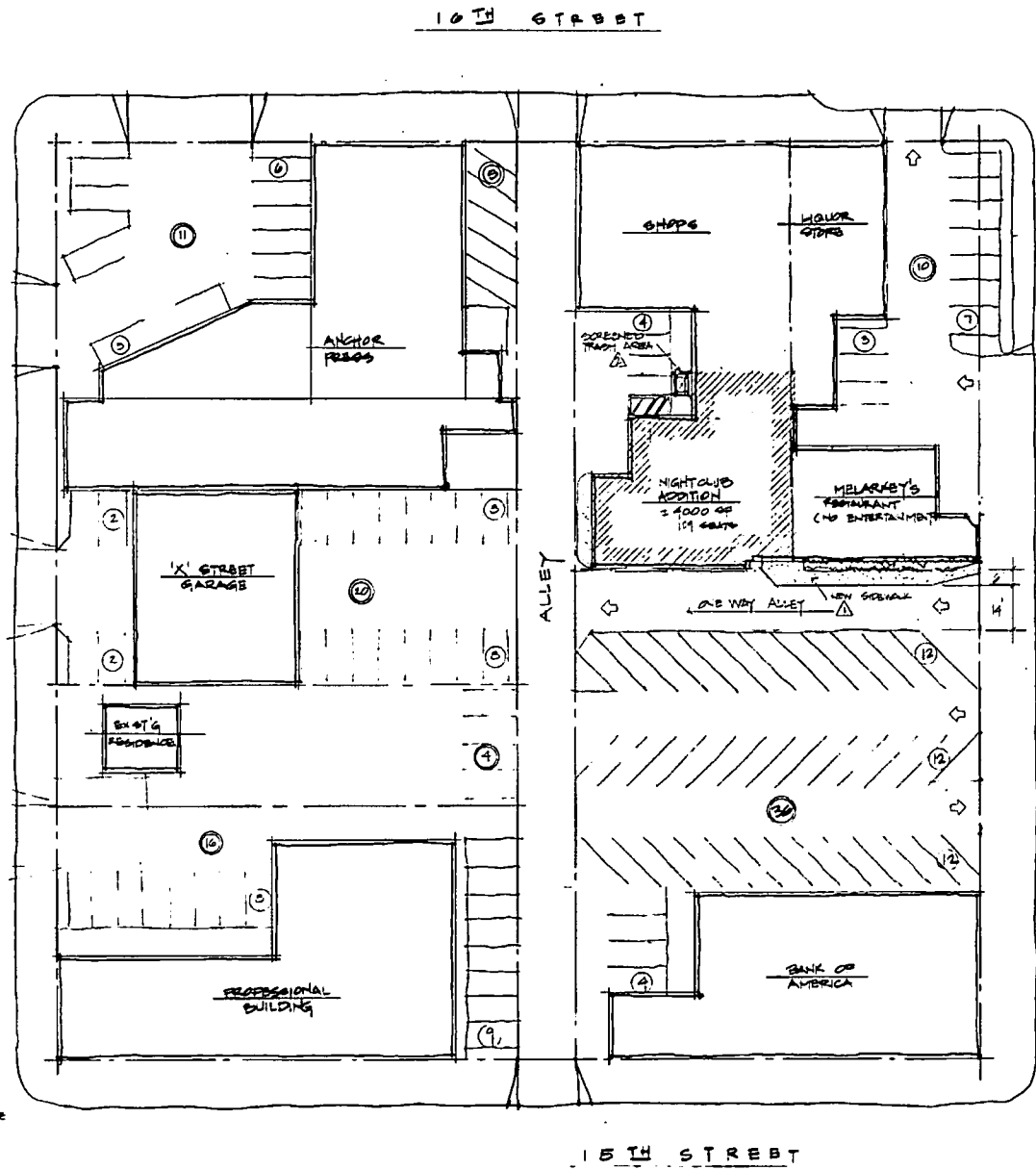
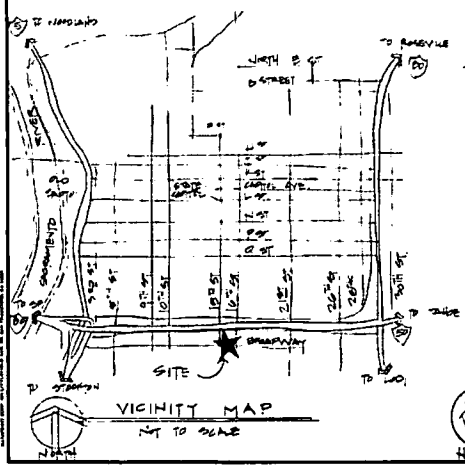
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12-1-83

ITEM 478

0283-117
P83, 312

003152 P R2212

4-7-83
10-27-83
12-1-83



BLOCK PLAN 1" = 20'

SHEET NUMBER	SHEET INDEX
A1	S.T.B. & BLOCK PLAN VICINITY MAP, SHEET INDEX
A2	FLOOR PLAN / FRAM WEST ELEVATION

BROADWAY

PARKING CALCULATIONS

NOTE: GENERALLY COMPLEMENTARY TIME UTILIZATION BETWEEN NIGHTCLUB AND RESTAURANT

MAJOR UTILIZATION

RESTAURANT 7:00 AM TO 9:00 PM
NIGHTCLUB 9:00 PM TO 2:00 AM

NOTE: EXISTING PARKING FOR MELARBY'S IS GRANDFATHERED BASED ON HISTORIC SETBACKS.

NIGHTCLUB PARKING CALCULATIONS

NIGHTCLUB	85 SEATS
ANTE ROOM	10
BAR	14
TOTAL	109

RATIO OF PARKING: 1 SPILL / 3 SEATS
109 ÷ 3 = 36 EQ. TO 3 OF A 30

NOTE: GENERALLY COMPLEMENTARY TIME UTILIZATION BETWEEN NIGHTCLUB & B OF A.

HOURS

BANK	9:00 AM TO 4:00 PM
NIGHTCLUB	9:00 PM TO 2:00 AM

REVISIONS	BY
▲ 4-13-83	TV
▲ 7-1-83	TV

1517 BROADWAY
448-2797

Wulfsberg

Addition and Remodel to

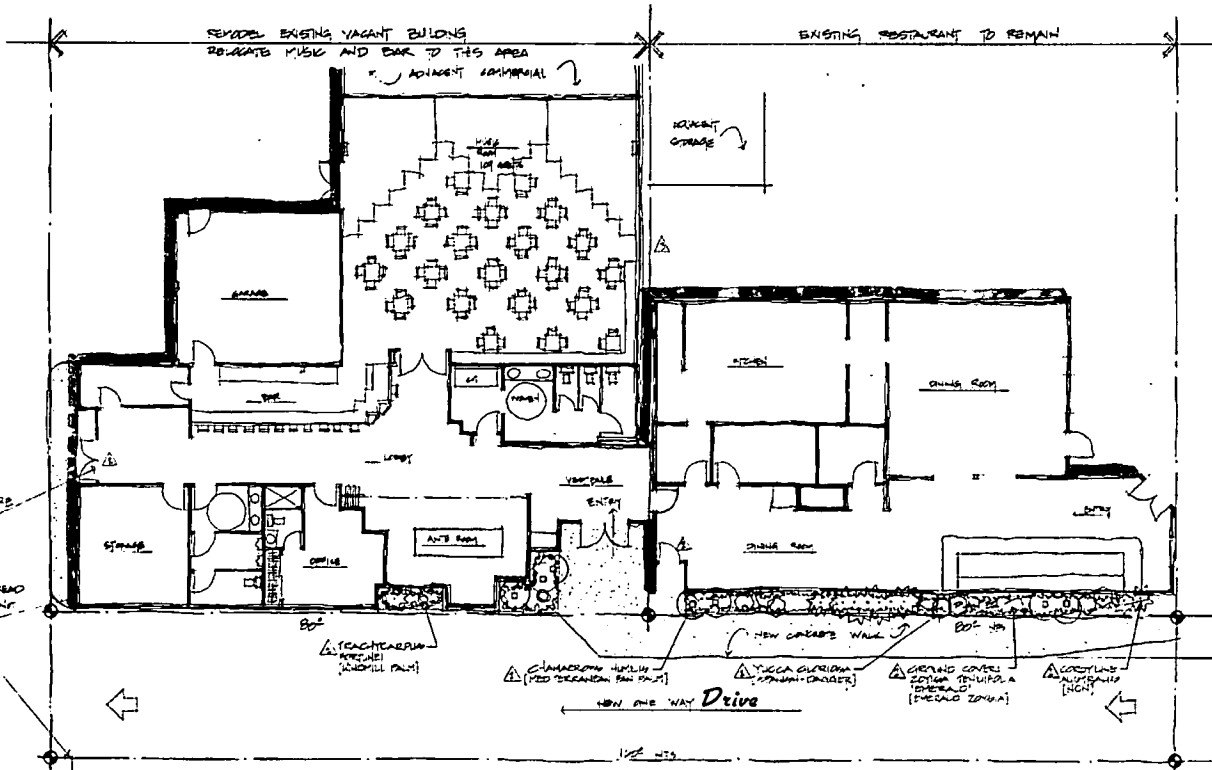
DATE: 4-8-83
SCALE: NOTED
DRAWN: TV
SHEET: A1

18 27

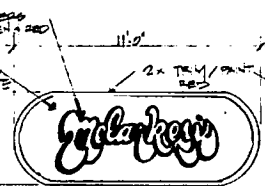
P83-312
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003153

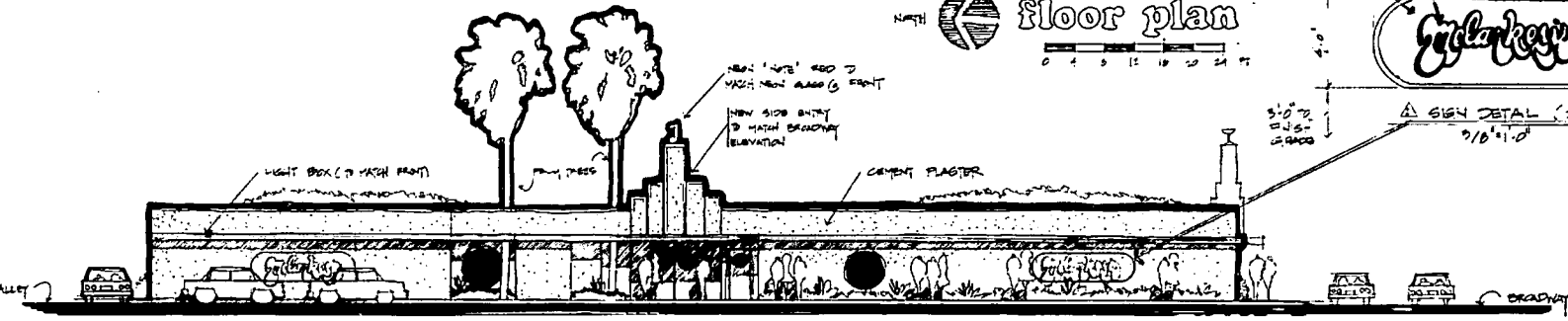
Alley (20' wide)



floor plan



△ SIGN DETAIL (E.T.P.)
 9'0" x 11'0"



west elevation

40-27-83
 4-27-83

83312

#17
 1/8

REVISIONS	BY
△ 7-11-83	HW
△ 8-25-83	HW

1517 BROADWAY
 440-3787



Addition and
 Remodel to

WAIN & ASSOCIATES ARCHITECTS
 1001 P ST
 WASHINGTON DC 20004
 TEL: 787-1641

CREATING
 FLOOR PLAN
 WEST
 ELEVATION

DATE	2-27-83
SCALE	1/8" = 1'-0"
DRAWN	HW
JOB	
SHEET	a2
OF SHEETS	2



CORPORATE REAL ESTATE

July 26, 1983

City of Sacramento
City Planning Department
927-10th Street, Suite 300
Sacramento, Ca. 95814

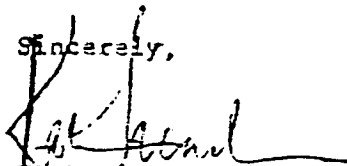
RE: P83-113 Variance
1517 Broadway, Sacramento

Gentlemen:

The Bank of America owns property at 1515 Broadway, known as the The Greater Broadway Branch. We have been asked by Dr. Pat Malarkey if we would lease to him our parking lot for evening use in conjunction with the expansion of his restaurant.

We regretfully cannot accede to this request, because of standing Bank policy. We do however, support his proposal as there seems to be ample parking in the area after business hours.

Sincerely,


Katherine MacAdam
Vice President

KM:jl/3754C:

cc: Dr. Malarkey

003165

PETER J. PERICH

1301 40TH AVENUE
SACRAMENTO, CALIFORNIA 95822
(916) 428-3982

June 6th 1983.

Dear Pat,

With this letter my wife and I heartly endorse the expansion of your restaurant. That corner on Broadway is very personal to me, maybe that is why we eat at Melarkey's so often.

As I have discussed with you many times before I opened The Greater Broadway Branch for the Bank of America around the corner from your place in the small store front that is now the Chinese market in 1947.

There was never any parking then as there is none now but we prospered there for 10 years. In 1957 the Bank built the present branch on the corner of 15th & Broadway and still operates there. This branch has always been a strong performer and I am sure the Bank of America will remain there for years to come. All totaled, I was on Broadway with the bank for 15 years so I speak with some knowledge.

Broadway has always been an important street as you know and I am delighted to see it being revived. The following will attest to this; Shanley's, Fuji's Melarkey's, Joe Marty's, Tower Records and Tower Books, Tower Theatre, The Surgeon and the New Madrid.

I see a bright future for all the businesses in that area.

It is becoming an ^{im}portant street again and if the City of Sacramento and the local merchants can keep the Porno Shops and the Massage Parlor's away I can't see anything but success in the future.

As to the parking problems in the area and on Broadway generally it is like that everywhere. The City chose to build all the parking garages downtown so the Broadway merchants have had to shift for themselves.

There was talk a few years ago that the City might build a parking lot under the freeway on 15th -16th street but it was developed instead into a storage garage. The cost of land on Broadway automatically puts parking lots out of reach for the small businessman and consequently the bigger business with parking lots have worked out informal agreements for the use of their parking lots.

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(2)

PETER J. PERICH

1301 40TH AVENUE
SACRAMENTO, CALIFORNIA 95822
(916) 426-3982

For instance, the Tower Theatre has 300 parking places and the Banks' employee's park there every day. If they parked in the bank's lot, no one could get into the bank parking lot.

The Tower Theatre realizes that their needs for parking are later in the day, so their generous offer of parking for other merchants makes their theatre well known.

Likewise the Bank's parking lot has been used by the restaurant for years, especially at night when the bank is closed. There were disagreements at times about litter and noontime parking but it was always worked out.

I noticed on your menu card that you have always asked patrons to park on the street or in the Tower theatre parking lot during lunch so that will help I am sure.

Pat, I can't see anything but success at your place of business.

The wonderful food Josie turns out and the polite employees you have trained certainly has produced a memorable atmosphere.

We certainly enjoy ourselves and we feel your expansion will enhance your establishment.

Sincerely,



003165

August 17, 1983

Dear Pat:

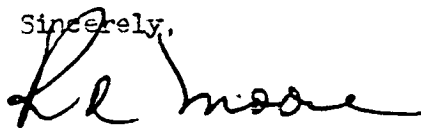
So nice to talk to you last week and it was a big surprise to hear you are now running the old Trio Club on Broadway. I am very familiar with the place of course, because I managed the Bank of America next door to you from 1969 to 1977.

From your description of the parking in the area things have not changed much over the years. The lunch time parking was always very difficult and I would encourage you not to build up your lunch trade since it is bound to conflict with the bank customers. I notice in your advertisements you are emphasizing breakfast and that should work out well with the bank, since they do not open until 10:00 am.

The parking at night was a different matter and since we were not there after 3:00 pm. I did not mind if the restaurant and the few people from the Tower Drug used the lot. We never chained it off from use by other merchants except one day per year. This was a legal requirement the bank insisted on that was necessary to demonstrate our right to control public access to private property.

Pat, I am sure you will be successful in the restaurant business as you have been in other endeavors. I admired your work on the Board of Supervisors and the many hours you gave in other public causes. If I can help you in any other way, please feel free to call on me.

Sincerely,



R. C. Moore

003164

CULLINCINI & SONS
1510 J STREET 916-442-4931
SACRAMENTO, CALIF. 95814

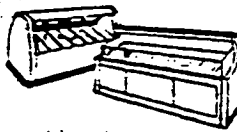


EXHIBIT B

June 7, 1983

Dear Pat,

Congratulations on your successful restaurant. The old "Trio Club" never looked better, but I can't believe that you built that bar yourself from wood purchased from Wood Brothers. You better go down there this week because Jack Wood is going out of business and would be only too happy to sell you enough junk to keep someone like you busy for 25 more years.

With the mortality rate of 80 to 90 % for every bar and restaurant opened, you certainly have demonstrated that you have the touch. I have seen it all you know, having spent almost 50 years in all phases of this business. I finally got smart 20 years ago and went in to the supply business and found it more satisfying than being out there on the front line so to speak and actually operating a "joint".

Pat, I ran and owned the Trio Club from 1950 to 1957, at which time I sold it and went to Reno and opened a club with Buddy Bear. It turned out that we should have stayed in Sacramento because we were broke within a year and that is when I returned and entered the supply business. When I ran the Trio Club we had the same parking situation that all small business' have; the money needed for a parking lot simply is not available. Many people do not understand the small margin the food business operates on, but I do and now I'm sure you do too.

We parked in the bank lot and on the street at the Trio in those days. The Tower Theatre also was very generous. We had worked it out with the bank so we used their lot in the evening and we kept it clean. We always had a problem at lunch but your customers can be trained and since most of the same people come back on a regular basis they will cooperate. If they don't come back regularly, you won't be in business long Pat and you won't have to worry about parking. I don't know any small restaurant who has very much parking. Ironically, you are in better shape than most. Pat, you and Josie are doing a great job there and it is really helping Broadway come alive again.

Sincerely,

Fred Cullincini

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TOWER 1.2.3 THEATRES

EXHIBIT B (4)

2508 LANDPARK DRIVE
SACRAMENTO, CALIFORNIA
95818 (916) 443-8260

May 25, 1983

TO: THE SACRAMENTO CITY COUNCIL

I am writing this letter in support of the proposed expansion of the business known as Melarkey's Place. Since becoming manager of the Tower Theatre in 1979, I have had many opportunities to work with the staff of Melarkey's to help promote the Broadway area as an active, entertainment oriented, business community. In doing so, I have offered my parking facilities as an option for Melarkey's patrons since we are located right across Broadway.

It is my feeling that the expansion of Melarkey's will help to bring more business back to the Broadway/Land Park area and perhaps someday raise it back to its former status of an area that the city and people of Sacramento can be proud of.

Thank you for your consideration in this matter.

Respectfully Yours,

Alexis L. King
Alexis L. King, manager

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