

# RESOLUTION NO. 2004-036

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON THE DATE OF JANUARY 20, 2004

RESOLUTION APPROVING THE SPECIAL PERMIT FOR A 4,589 SQUARE FOOT BAR/NIGHTCLUB WITHIN THE CENTRAL BUSINESS DISTRICT SPECIAL PLANNING DISTRICT (C-3-SPD) ZONE LOCATED AT 1009 10<sup>th</sup> STREET. (APN: 006-0103-002) (P03-043)

**WHEREAS**, at the public hearing on August 28, 2003, the City Planning Commission heard and considered evidence on the request for the establishment of a Bar/Nightclub known as Lotus Lounge;

**WHEREAS**, on August 28, 2003, the City Planning Commission approved a special permit for a bar/nightclub, with conditions;

**WHEREAS**, on September 4, 2003, the decision of the City Planning Commission was called-up by the Council Member of District 1; and

**WHEREAS**, the City Council conducted a public hearing on January 20, 2004 concerning the above project and based on documentary and oral evidence submitted at the public hearing, the Council hereby adopts the Notice of Decision and Findings of Fact, as set forth herein.

**NOW, THEREFORE BE IT RESOLVED**, by the Council of the City of Sacramento that subject to the findings of fact and conditions of approval set forth below, the requested project is approved by the City Council.

## **Findings of Fact**

- A. Categorical Exemption: The City Council finds and determines that the proposed project is exempt from environmental review pursuant to Section #15301a of the CEQA Guidelines.
- B. Approval to allow establishment of a bar/nightclub on 0.07 acres in the Central Business District Special Planning District (C-3-SPD) zone is approved based upon the following findings:
  - 1. The proposed bar/nightclub use is allowed in the Central Business District Special Planning District (C-3-SPD) zone;

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2. The proposed bar/nightclub use supports the goals of the City of Sacramento's Arts & Entertainment District;
3. The proposed bar/nightclub use, as conditioned is not anticipated to adversely affect the peace and general welfare of the surrounding residential and commercial neighborhood;

### **Conditions of Approval**

- A. Planning Commission approval to allow establishment of a bar/nightclub on 0.07 acres in the Central Business District Special Planning District (C-3-SPD) zone is hereby approved subject to the following conditions:

#### **Police**

- B1. The sale of alcohol shall be on site only.
- B2. No live music shall be performed in the sidewalk area. Any entertainment provided shall not be audible beyond the interior of the business.
- B3. Signs shall be clearly posted and maintained on the premises prohibiting consumption for alcoholic beverages on sidewalk area or adjacent public area. The signs shall be worded as follows:  

UNLAWFUL TO ENTER, BE OR REMAIN ON ADJACENT PUBLIC  
SIDEWALK WITH AN OPEN ALCOHOLIC BEVERAGE CONTAINER.  
C.P.C. 647E(A); S.C.C.26.24(c)
- B4. No outside seating shall be allowed.
- B5. Bar windows shall be left unobstructed to all viewing of the interior of the business by patrolling police.
- B6. Furniture shall not block any exits.
- B7. No lights or signs shall be attached to, or hung from, the trees located in the sidewalk area in front of the bar.
- B8. The sidewalk area within 100 feet of the bar shall be monitored for trash that may be produced by this establishment. The employees and owners of the establishment shall be responsible for keeping this area clean of trash generated by the bar.
- B9. All illegal activities observed on or around the business shall be promptly

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reported to the police.

- B10. Any new signage shall be reviewed & approved by Preservation Staff & obtain appropriate building permits.
- B11. A manager or responsible representative of the permit holder shall be on the premises at all times during hours of operation to ensure that all conditions of the permit are met.
- B12. Management and employees will present all events at this establishment. No non-employee promoter or presenter shall be permitted to participate in presenting any event.
- B13. Management will ensure that all publicity regarding events held at this location clearly state that this location is 1009 10th Street.
- B14. Management will follow all Alcohol Beverage Control guidelines regarding the sales of alcoholic beverages.
- B15. No alcohol will be brought onto or off of the premises by customers or others and the management will be responsible for enforcing this condition.
- B16. The management shall be responsible for refusing admittance to customers who appear to be under the influence of alcohol and/or drugs.
- B17. At a minimum, one state licensed security guard (registered and approved by the Police Department) or off-duty police officer shall be on duty during hours of operation and until crowd and traffic have dispersed at the close of business, subject to review and approval of the Police Department.
- B18. Security shall, at a minimum, be responsible for patrolling the outside of the building and adjacent areas including private property, sidewalks and streets to prohibit loitering, excessive noise from individuals, vandalism and other disruptive or illegal acts.
- B19. If there is an overflow crowd or a waiting line, queuing equipment will be present and a minimum of two state licensed security guards will be present at that queuing line to maintain order. There shall be no alcoholic beverage consumption in queuing line.
- B20. Live music and all dancing events shall end no later than 1:30 a.m.
- B21. Should the City of Sacramento Police Department watch commander determine that during any hours of operation, crowd control is not being maintained, the establishment will immediately be closed.
- B22. No public pay phones shall be maintained on the exterior of the premises.

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- B23. Applicant shall work with the North Patrol Police Facility to ensure that the property is posted for "No Loitering" in accordance with 602(k) P.C. An agreement is to be filed with the Police Department, which will allow officers to remove loiterers and reflects to operator/owners agreement to prosecute.
- B24. Prior to issuance of building permits, the applicant shall obtain approval from the preservation board for exterior façade improvements.
- B25. No building permit for any tenant improvements shall be issued without the permit including exterior façade improvements.

Advisory Note:

If any significant problems arise and the City receives complaints about the use, the City will commence with Special Permit revocation hearings at the cost of the property owner. The revocation hearing shall be at the discretion and direction of the Planning Commission.

Public Works Department

- B26. The applicant shall repair or replace/reconstruct any existing deteriorated curb, gutter and sidewalk fronting 10<sup>th</sup> and J Streets per City standards to the satisfaction of the Department of Public Works.
- B27. The site plan shall conform to A.D.A requirements in all respects.

Fire Department

- B28. Full alarm and sprinkler system shall be required.

Building Department

- B29. The number of toilet fixtures shall comply with the Uniform Building Code (UBC).
- B30. Prior to issuance of building permit a lateral analysis and any structural update drawing shall be provided.
- B31. The mezzanine area shall comply with Section 507 of the Uniform Building Code (UBC).
- B32. The building shall have one-hour fire rating construction.

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Heather Fargo

MAYOR

ATTEST:

D. Concolino

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