

**CITY OF SACRAMENTO
DEPARTMENT OF PLANNING & DEVELOPMENT
ZONING ADMINISTRATOR
1231 I Street, Sacramento, CA 95814**

ACTION OF THE ZONING ADMINISTRATOR

On Tuesday, April 23, 1996, the Zoning Administrator approved with conditions a special permit to operate a sidewalk cafe in the public right-of-way for the project known as Z96-030. Findings of Fact and conditions of approval for the project are listed on pages 3-6.

Project Information

Request: Zoning Administrator Special Permit for a sidewalk cafe in the Limited Commercial (C-1) zone.

Location: 3815 J Street

Assessor's Parcel Number: 008-0032-028

Applicant: Starbucks Coffee/3DI (Jaqueline Futch)
555 Capitol Mall #340
Sacramento, CA; 95814

Property Owner: Kaufman & Co. (Dan Kauman)
2277 Fair Oaks Boulevard #430
Sacramento, CA 95825

General Plan Designation:	Community Neighborhood Commercial and Offices
Existing Land Use of Site:	Commercial
Existing Zoning of Site:	Limited Commercial, C-1

Surrounding Land Use and Zoning:

North:	R-1; SMUD Transformer
South:	C-1; Commercial
East:	C-1; Commercial
West:	C-1; Commercial

Property Dimensions:	50 feet x 95 feet (Sidewalk)
Property Area:	0.11 \pm acres
Parking Required:	0
Parking Provided:	0

Topography: Flat
 Street Improvements: Existing
 Utilities: Existing

Project Plans: See Exhibits A-D

Previous Files: IR 95-099

Background Information In the IR staff review of the site for parking requirements, the determination was made that 13 parking spaces (1 space:250 square feet) would be credited to the 3200 square foot building based on previous retail use (IR 95-099). The applicant (Starbucks Coffee) only occupies 1800 square feet of the building which equates to a 7 parking space credit. This would allow the applicant to have a total of 21 seats on site within the property confines based on the ratio of three seats for every parking space. This requirement was annotated on the building plans.

The applicant has already opened up their restaurant and was limited to twelve seats on site due to the number of restroom facilities. Staff reviewed this requirement with the Building Division to obtain further clarification and options for the applicant in order to provide more on-site seats as well as have the proposed outdoor seating in the public right-of-way. The building has two additional restrooms in a shared hallway with the two other building tenants. Brian Reilly of the Building Division indicated that as long as the doors to the additional restrooms were left open and a sign placed in the main eating area that identified the additional restrooms then the shared bathrooms would satisfy building code requirements. Therefore the restaurant could have up to the allowed 21 seats on site with additional seats in the right-of-way area.

Additional Information: The applicant proposes to locate ten tables with 16 seats for a coffee restaurant (Starbucks) on the sidewalk adjacent to the north side of J Street in front of their tenant space. The area will be 9.5 feet wide and 32 feet long. The outdoor seating will be located in the public right-of-way and requires a Special Permit. The building is on the north side of J Street near the corner of 38th Street and J Street. The plans indicate each table will seat two and some of the tables will be clustered to form a larger seating area. The plans also indicate two additional tables with four seats adjacent to the building that are located within the property boundaries and not in the public right-of-way. These four seats must be counted with all the indoor seating and the total not exceed 21 seats without providing additional on-site parking or obtaining a parking variance.

The site is located within the East Sacramento Improvement Association (ESIA) area. The proposed plans have been submitted to the neighborhood associations and the ESIA president contacted staff with their concerns about parking for the restaurant. Once staff explained the parking credit, there were no other concerns for the project. The project has been noticed and staff has not received any calls concerning the project.

Environmental Determination: This project will not have a significant effect on the environment and is exempt from environmental review pursuant to State EIR Guidelines {California Environmental Quality Act, Section 15305(b)}.

Agency Comments

The proposed project has been reviewed by the various City Departments. Their comments have been included as conditions of approval.

Conditions of Approval

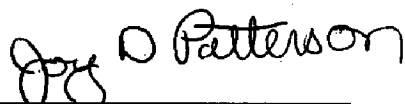
1. An area 9.5 feet maximum in width and a length approximately 32 feet long adjacent to the sidewalk in front of the building shall be delineated with decorative paving or painting on the sidewalk to indicate the sidewalk dining area and the area outside the sidewalk dining area shall not to be obstructed. The proposed materials for the sidewalk delineation shall be reviewed and approved by Design Review Staff prior to installation and prior to occupancy of the sidewalk area. The applicant shall post a sign in the restaurant indicating the sidewalk outside of the striped area is to remain unobstructed with chairs.
2. The applicant shall include a planter at the east end of the seating area. The proposed planters shall reviewed and approved by Design Review staff (Luis Sanchez, 264-5957).
3. No fence shall be installed.
4. A clear path way a minimum of 48 inches (four feet) must be maintained at all times between the tables, chairs, and the building. The tables and chairs shall be kept adjacent to the building. **NOTE: Tables and chairs adjacent to the building count in allowed seats for the restaurant use because they are on the property.**
5. No alcohol sales or service or consumption allowed at the outside tables or chairs.
6. No live music, amplified music or sound system shall be installed or be audible in the sidewalk area.
7. Signs shall be clearly posted and maintained on the premises prohibiting consumption for alcoholic beverages in this non-permitted 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)

8. Restaurant windows shall be left unobstructed to all viewing of the interior of the business by patrolling police and so that the outdoor seating area is visible for monitoring from inside the restaurant.
9. Hours of operation of the sidewalk dining area shall be 6:00 a.m. to 11:00 p.m. When the sidewalk area is not in use for seating and service, all removable fixtures (i.e. chairs, planters, etc.) shall be stored on the restaurant property.
10. None of the furniture shall block any exit.
11. All illegal activities observed on or around the business shall be promptly reported to the police.
12. A two foot clear area between all tables, chairs, and planters and the curb shall be maintained at all times.
13. The sidewalk area within 100 feet of the restaurant and sidewalk cafe 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 restaurant/sidewalk cafe use.
14. 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 Encroachment Permit for the sidewalk cafe.
15. The applicant shall contact the Zoning Administrator's staff for a final inspection of the sidewalk cafe area to insure compliance with conditions of approval prior to operation of the sidewalk cafe area (contact Sandra Yope, 264-7158).
16. The total seating for the restaurant including the outdoor seating is limited to 12 seats unless the applicant provides additional restroom facilities available for patron use. If the shared restrooms for the building are made available to the patrons of the restaurant then the seating may be increased to the allowed 21 seats on the property area (determined by available parking credit) and the seats outside in the public-right-of way not restricted by parking. The applicant shall contact the Building Division (Brian Reilly, 264-5954) to place a letter on file regarding patron use of the shared building bathrooms and to receive final approval that the restroom facilities are adequate according to Building Code. The applicant shall post a sign within the restaurant visible to the main seating area that states additional bathrooms are available in the shared hallway. The door to the area shall remain open during business hours.

Findings of Fact:

1. The proposed project, as conditioned, is based upon sound principles of land use in that sidewalk cafes allow for more people and activity on the streets.
2. The project will not be detrimental to the public health, safety, or welfare nor result in a nuisance in that:
 - a. adequate sidewalk area will be provided for pedestrians; and
 - b. the surrounding area will be monitored for trash and kept clean.
3. The project is consistent with the General Plan which designates the subject site as Community Neighborhood Commercial and Offices.



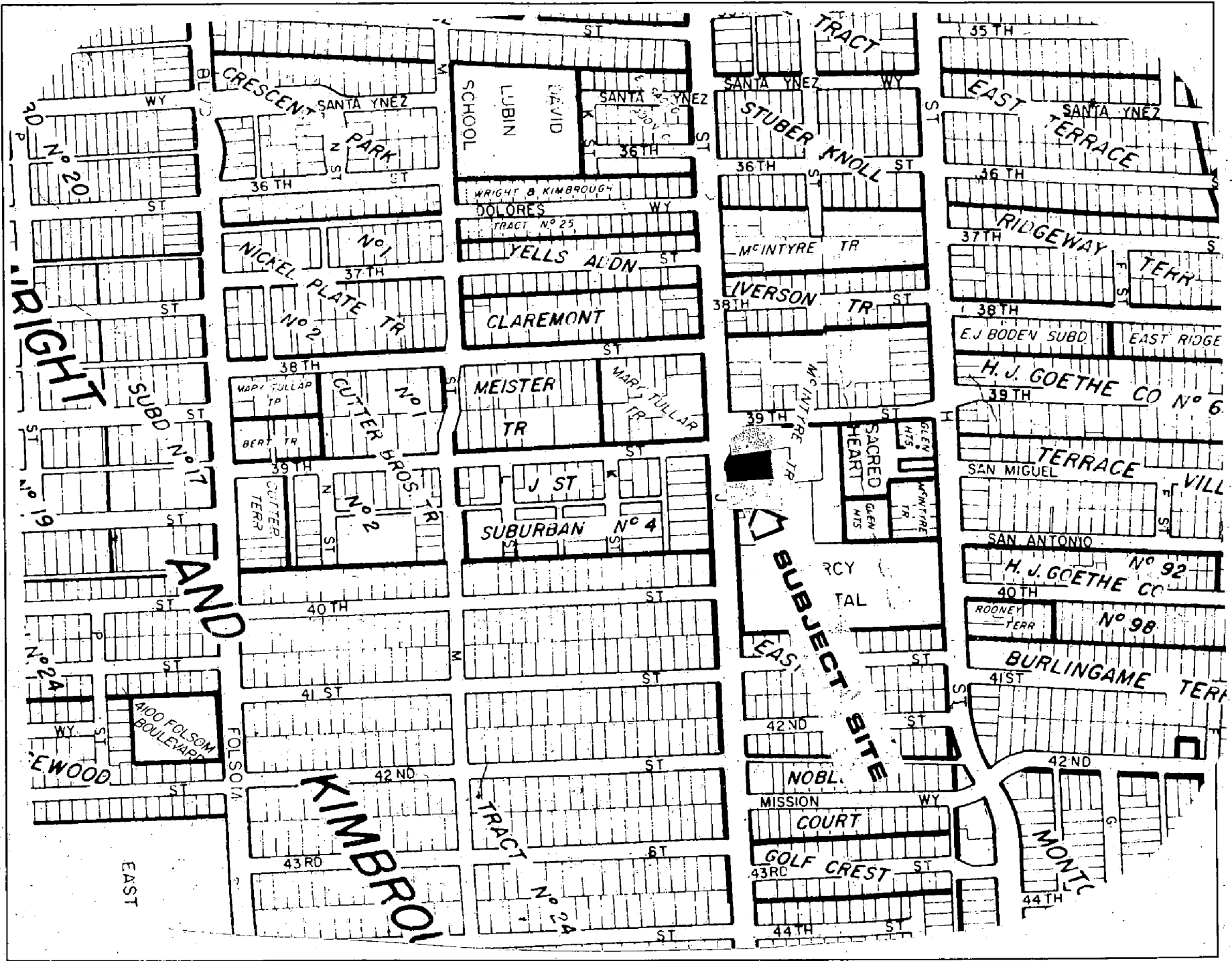
Joy D. Patterson
Zoning Administrator

A use for which a Special Permit is granted must be established within two years after such permit is approved. If such use is not so established the Special Permit shall be deemed to have expired and shall be null and void. A Special Permit use which requires a Building Permit shall be deemed established when such Building Permit is secured and construction thereunder physically commenced. If no building permit is required, the use shall be deemed established when the activity permitted has been commenced.

The decision of the Zoning Administrator may be appealed to the Planning Commission. An appeal must be filed within 10 days of the Zoning Administrator's hearing. If an appeal is not filed, the action of the Zoning Administrator is final.

cc: >File
>Applicant
>Nellie Morris % Starbucks; 3815 J Street; Sacramento, CA 95816
>ZA Log Book
>Brian Reilly, Building Services

VICINITY MAP



RIGHT AND KIMBROUGH

SUBJECT SITE

080196Z

EXHIBIT A

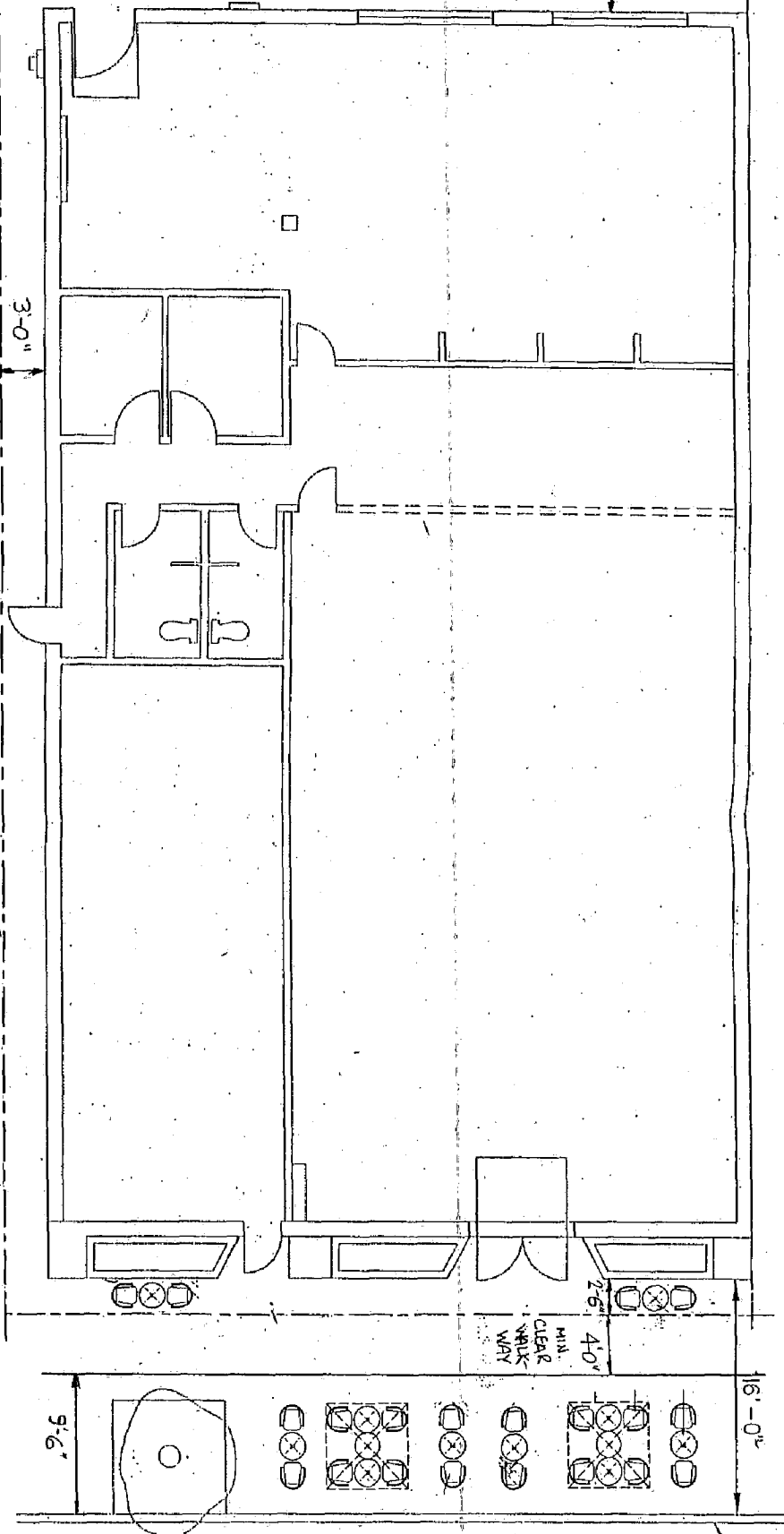
NOTES:
1 SHOPS. DOWN TWO STORES HAVE OUTSIDE SEATING

SITE PLAN

SCALE: 1/8" = 1'-0"



----- = PROPERTY LINES



J STREET

CUTTER

CURB

Sheet No:
SAC-6

**STARBUCK'S
COFFEE**
Sacramento CA.

3D/P&A

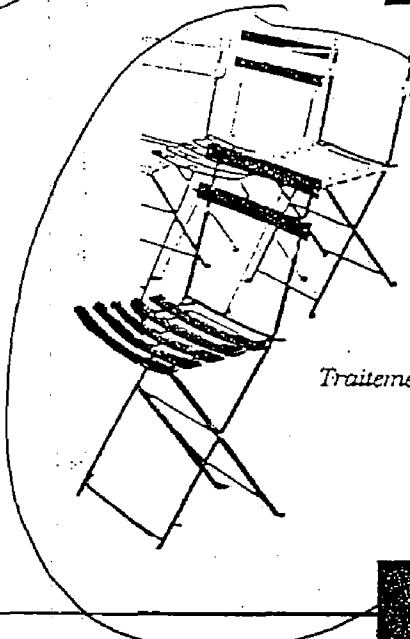
MEP ENGINEERING
1205 SECOND AVENUE #210
SEATTLE, WASHINGTON 98101
206/625-0403 TEL
206/625-0410 FAX

APRIL 23, 1996

ITEM 1

296-030

**Chaise pliante
Folding chair**

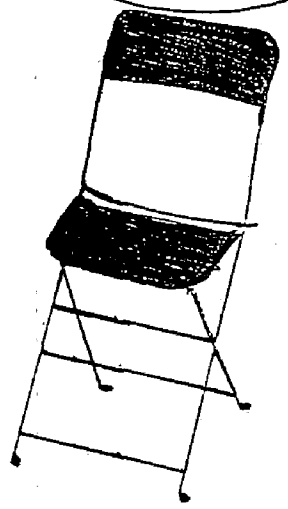


Poids / Weight	9 kg	Conditionnement / Packing X 2
Dimension / Size		Volume / Volume 0,069 m3
Hauteur totale / Height	82,2 cm	
Hauteur assise / Seat height	44,5 cm	
Largeur / Width	42,5 cm	

Ext. CHAIR.

Piètement métal / Steel legs
 Traitement primaire par phosphatation anti-corrosion / Anti-rust treated with phosphate primer coating
 Peinture poudre époxy cuite au four / Oven baked epoxy painting
 Lattes de bois hêtre massif teintées par imprégnation
 Solid beech slats colour-impregnated
 Lattes de bois apprêtées et peintes en laque alkyde uréthane
 Wooden slats protected with primor and painted with alkyde uréthane

**Chaise métal Océane
Steel folding chair**

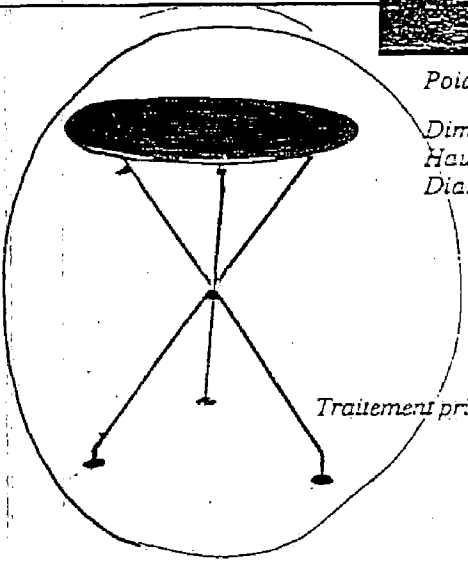


Poids / Weight	7 kg	Conditionnement / Packing X 1
Dimension / Size		Volume / Volume 0,063 m3
Hauteur totale / Height	82,5 cm	
Hauteur assise / Seat height	44 cm	
Largeur / Width	39 cm	

Z96 030
 Received
 3-21-96

Piètement, dossier, assise métal / Steel legs, back, seat
 Traitement primaire par phosphatation anti-corrosion / Anti-rust treated with phosphate primer coating
 Peinture poudre époxy cuite au four / Oven baked epoxy painting

**Guéridon pliant
Folding table**



Poids / Weight	7 kg	Conditionnement / Packing X 1
Dimension / Size		Volume / Volume 0,045 m3
Hauteur totale / Height	73,5 cm	
Diamètre / Diameter	60 cm	

Ext. table

Piètement et plateau métal / Steel legs and table top
 Traitement primaire par phosphatation anti-corrosion / Anti-rust treated with phosphate primer coating
 Peinture poudre époxy cuite au four / Oven baked epoxy painting



ICS INDUSTRIE 0 312 250 030 - MOULIN BLLOT GOLLOND

RESOLUTION NO. ZA96-007

ADOPTED BY THE ZONING ADMINISTRATOR OF THE CITY OF SACRAMENTO

ON DATE OF MAY 29, 1996

RESOLUTION GRANTING REVOCABLE ENCROACHMENT PERMIT TO STARBUCKS COFFEE FOR 3815 J STREET, (Z96-030)

BE IT RESOLVED BY THE ZONING ADMINISTRATOR OF THE CITY OF SACRAMENTO: that a Revocable Encroachment Permit for the purpose of installing outdoor restaurant seating on a public sidewalk is hereby granted to Jaqueline Futch, Jim Ogden, and Nellie Morris whose address is as follows: 555 Capitol Mall #340, Sacramento, CA: 95814

This encroachment permit for the north side of J Street, approximately 50 feet from the northeast corner of 38th Street and J Streets, is described as follows:

An area 9.5' wide by 32' long two feet away from the curb along J Street (Exhibit A).

This permit is granted subject to the "General Provision-Revocable Encroachment Permit" regulations, which were adopted by the City Council in Resolution No. 81-845 dated November 17, 1981. A valid Certificate of Insurance, as required by the General Provisions, is on file with Risk Management and Insurance Division of the City of Sacramento. This Certificate of Insurance must be current at all times the sidewalk is used as a sidewalk cafe.

Conditions

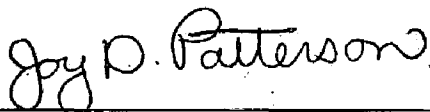
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