

CITY PLANNING COMMISSION
1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814

APPLICANT	Chinn Rusconi Architects 201 Lathrop Way #C Sacramento, CA				
OWNER	Alex Lichinne 7654 Greenhaven Drive Sacramento, CA. 95831				
PLANS BY	Chinn Rusconi Architects				
FILING DATE	5-25-90	ENVIR. DET.	Negative Declaration	REPORT BY	BW:
ASSESSOR'S PCL. NO.	007-0142-004 & 006-0175-006				

- APPLICATION:
- A. Negative Declaration
 - B. Special Permit to allow the sale of alcoholic beverages for off-site consumption in a 750+ square foot deli on 0.07+ developed acres in the General Commercial (C-2) zone. (Withdrawn)
 - C. Variance to locate 5 of the required 11 parking spaces off-site for a 28 seat restaurant/deli use on 0.14+ vacant acres in the C-2 zone.

LOCATION: 1806 Capitol Avenue & 1722 L Street

PROPOSAL: The applicant is requesting the necessary entitlements to occupy a vacant building in order to operate a new restaurant/deli with 28 seats and be able to sell liquor for off-site consumption.

PROJECT INFORMATION:

General Plan Designation:	Community/Neighborhood Commercial & Offices
1980 Central City Community Plan Designation:	General Commercial
Existing Zoning of Site:	C-2
Existing Land Use of Site:	Vacant Building/vacant parking lot

Surrounding Land Use and Zoning:
North: Commercial; C-2
South: Deli/Residential; R-5, C-2
East: Multi-Family; C-2
West: Java City Coffee House; C-2

Parking Required:	9 spaces (1 per 3 seats for restaurant) <u>2 spaces</u> (1:400 for deli) 11 Total
Parking Provided:	6 (Credit for 6 spaces due to age of building)
Property Dimensions:	40' x 80' (restaurant/deli site) 40' x 160' (off-site parking)

002243

APPLC. NO. P90-244

MEETING DATE September 13, 1990

ITEM NO. 73

Property Area:	3,200 sq.ft. (restaurant/deli use)
Square Footage of Building:	Total 2,850 sq.ft. (restaurant: 2,100 sq.ft./deli: 750 sq.ft.)
Off-site Parking Lot:	6,000 sq.ft. (34 spaces; 5 available for restaurant use)
Height of Building:	21' one-story
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing
Number of Restaurant Seats:	28 seats
Hours of Operation:	10:00 a.m. to 9:00 p.m.

BACKGROUND INFORMATION:

On January 22, 1987, the City Planning Commission approved a Special Permit to establish a residential apartment combined with a limousine service on the subject site (P87-032). The approved residential/limousine business was credited six parking spaces due to the age of the use. Therefore, the proposed use being considered also qualifies for the parking credit.

The applicant originally requested a variance to waive six of the required 12 parking spaces for a 29 seat restaurant/deli use on the subject site. The applicant has since reduced the number of seats to 28 and has been able to locate five parking spaces off-site for the proposed restaurant/deli use. The applicant has obtained a lease agreement from the current lessor to lease five parking spaces on an existing parking lot for a period of five years (Exhibit E). Staff has contacted the lessor to validate the signed lease.

The applicant also requested a Special Permit to allow the sale of liquor for off-site consumption. Staff has since been informed by the Department of Alcoholic Beverage Control that the applicant has applied for a license to sell beer and wine for off-site/on-site consumption at the proposed restaurant/deli. Because the proposed restaurant/deli use is categorized as a bonafide restaurant and both uses have the same owner and are under the same address, the applicant is allowed by right to sell liquor on-site at the restaurant/deli use and beer and wine off-site. A letter to withdraw the Special Permit request has been submitted.

PROJECT EVALUATION: Staff has the following comments:

A. Land Use and Zoning

The subject site contains a 2,850 square foot building formerly used as a limousine service with a residence. The site consists of 0.07+ developed acres in the General Commercial (C-2) zone. The General Plan designates the site Community/Neighborhood Commercial and Offices. The 1980 Central City Community Plan designates the site for General Commercial uses. A mixture of commercial and residential uses surround the site. Surrounding land uses include commercial to the north and west, zoned C-2; an existing deli and a hair salon to the south, zoned C-2 and R-5; and residential to the east, zoned C-2. The proposed off-site parking lot is located in the General Commercial (C-2) zone and the surrounding land uses consist of retail and office to the north, south, east and west.

002244

APPLC. NO. P90-244

MEETING DATE September 13, 1990

ITEM NO. 7

B. Applicant's Proposal

The applicant is proposing to renovate the existing structure and operate a 28 seat restaurant in a portion of the building and a 750 square feet deli in the remaining portion. The applicant informed staff that the building has been vacant for approximately three years. The applicant is requesting a Variance to locate five of the required parking spaces off-site in an existing parking lot at 1722 L Street. The applicant proposes to operate between the hours of 10:00 a.m. to 9:00 p.m. with a total of five employees on the site. The applicant anticipates the restaurant will primarily serve people who live and work in the immediate vicinity.

C. Staff Analysis/Parking Variance

The Zoning Ordinance requires one parking space per 400 gross square feet of retail space and one space per three seats for a restaurant use; therefore, a total of 11 spaces are required for the restaurant/deli use. The existing structure to be occupied by the restaurant/deli use was built without parking and as a general commercial use. Under the Zoning Ordinance, one space per 500 gross square feet of commercial is required. The existing building would have, therefore, been required six parking spaces. Instead, the building was credited the six spaces. Therefore, the proposed restaurant/deli use is credited six parking spaces, so only five parking spaces are required. The City Zoning Ordinance allows parking credits if a change of land use is requested for a building or structure constructed prior to the operative date of the off-street parking requirements. A total of five employees will be at the site at any given time. The applicant indicated to staff that the off-site parking will be available to the five employees which would, therefore, free up on-street parking. The applicant has obtained a lease for five parking spaces for a five year term on the off-site parking lot. Currently there are 34 parking spaces in the parking lot, five of which are for the restaurant/deli use, with the remaining 29 being leased to other businesses and state workers in the area. The lessor has, however, informed the applicant and City staff that after 5:00 p.m. Monday through Friday and on weekends all day, the applicant can utilize the remaining 29 parking spaces for the restaurant/deli use. Staff, therefore, recommends that the applicant post a sign at the restaurant/deli use informing patrons of available parking at the off-site parking lot. The applicant has agreed to also mark the five off-site parking spaces for the restaurant's use only. Staff feels that the five off-site parking spaces, which are only a block away, are in close proximity to the proposed restaurant/deli use. Staff, therefore, supports the variance to locate five required parking spaces off-site at 1722 L Street.

Staff surveyed the parking on Capitol between 17th and 19th and on 18th between N and L Streets at 12:30 P.M., 2:30 P.M. and 3:00 P.M. The surveys were done on June 14, 1990 and June 18, 1990. Staff concluded that approximately 11% of parking spaces were available on Capitol and 18th Street at 12:30 P.M. and 28% of parking was available after 2:30 P.M. Staff found that at lunchtime there were seven and eight vacant

spaces available on two visits while in the evening there were 21 and 33. It appears as though this pattern suggests that people arrive in vehicles at lunchtime to patronize the existing commercial uses in the project vicinity. Subsequent to the survey, the City Chief of On-Street Parking forwarded the attached letter (Exhibit G) indicating that a project of this size should not have a significant parking impact on the overall area. Staff feels that the six spaces credited for the proposed use will be available on the street to patrons visiting the site.

Staff has since observed the parking situation in the immediate area (August 1990) and found most of the parking spaces are occupied between lunch hours and after 2:30 P.M. along Capitol Avenue. However, parking was available on nearby streets within walking distance of the site. Staff does not believe that the patrons visiting the site will be significantly impacted by the parking shortage in the area.

A Subcommittee was appointed by the Planning Commission in March of this year to discuss planning issues surrounding parking deficiencies for existing and proposed restaurants, delicatessens and coffee/bakery shops. The subcommittee's goal is to establish policy implementation and standards for the approval of parking for existing and proposed food service businesses in the City. Two meetings have been held. The subcommittee will be formulating guidelines and standards to take before the Planning Commission at a later date.

E. Agency and Neighborhood Comments

The proposed project was reviewed by the City's Traffic Engineer, Engineering Development Services, Building Inspections Divisions and the City Police. The project was also routed to Midtown Business Association and the Sacramento Old City Association. No comments were received.

The Sacramento Old City Association informed staff by telephone that they were not opposed to the parking variance.

Planning staff has received numerous phone calls from nearby neighbors and businesses opposed to the variance for off-site parking. Staff received a signed petition from residents of Capitol Terrace apartments in support of new development on the site. However, some of the residents signed the petition opposed to development at the subject site (Exhibit D). Lastly, staff has received three letters (Exhibits H, I and J) in support of the proposed use.

ENVIRONMENTAL DETERMINATION: The Environmental Coordinator has determined that the proposed project will not have a significant adverse impact on the environment and has filed a Negative Declaration.

002246

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

- A. Ratify the Negative Declaration;
- B. Withdrawn
- C. Approve the Variance to allow 5 off-site parking spaces subject to conditions and based upon findings of fact which follow.

Conditions:

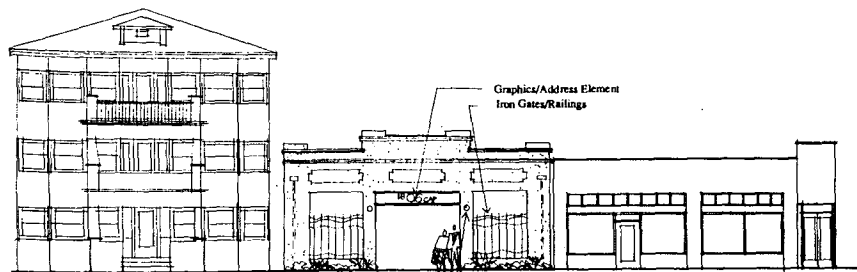
1. The five off-site parking spaces shall be marked for restaurant/employee parking only prior to occupancy of the building. A sign shall be posted at the restaurant/deli site indicating that parking is available at the off-site parking lot.
2. The trash enclosure located at the rear of the subject site shall comply with the City's Trash Enclosure Ordinance.
3. Any signage proposed on the subject site shall be reviewed and approved by the City's Design Review Coordinator prior to issuance of sign permits.
4. Exterior renovation of the building shall be reviewed and approved by the City's Design Review Coordinator prior to issuance of building permits.
5. The applicant shall obtain a Sidewalk Cafe Permit from the City Planning Department prior to locating seats in the public right-of-way.
6. The restaurant seating shall not exceed a total 28 seats. Additional seating in the restaurant and/or the deli will require review and approval by the Planning Commission. No seats shall be located in the deli space.
7. The applicant shall record the lease agreement with the County Recorder's Office allowing the lessee five parking spaces at 1722 L Street (APN: 006-0175-006) for a five year term. Evidence of the recorded lease shall be provided to City staff prior to issuance of building permits.

Findings of Fact/Variance

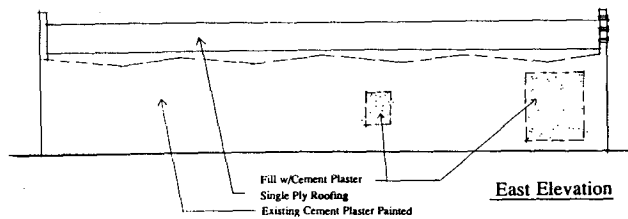
1. Granting the variance is not granting a use variance in that parking is allowed in the C-2 zone.
2. Granting the variance does not constitute granting a special privilege in that a variance would be granted to any other property owner facing similar circumstances.

3. Granting the variance would not be injurious to the welfare of the public in that:
 - a. the off-site parking would free up parking for visiting patrons;
 - b. the off-site parking will be available for a five year period and could be extended at the end of the term.
 - c. surplus parking will be available in the future if the applicant wishes to obtain additional parking spaces for patrons.
 - d. additional parking will be available after 5:00 p.m. Monday through Friday and weekends all day for customers patronizing the restaurant/deli use.
4. Granting the Variance is consistent with the City's General Plan and 1980 Central City Plan which allows parking in a general commercial designation.

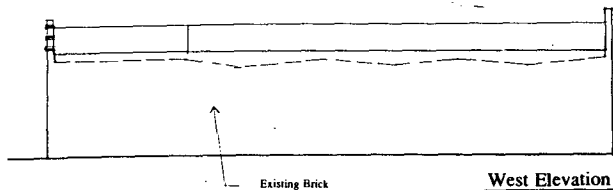
Corner of NW of 19th & Capitol



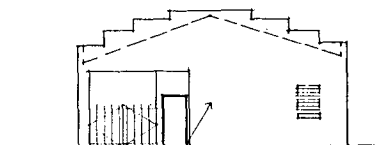
Capitol Avenue Elevation
1/8"=1'-0"



East Elevation

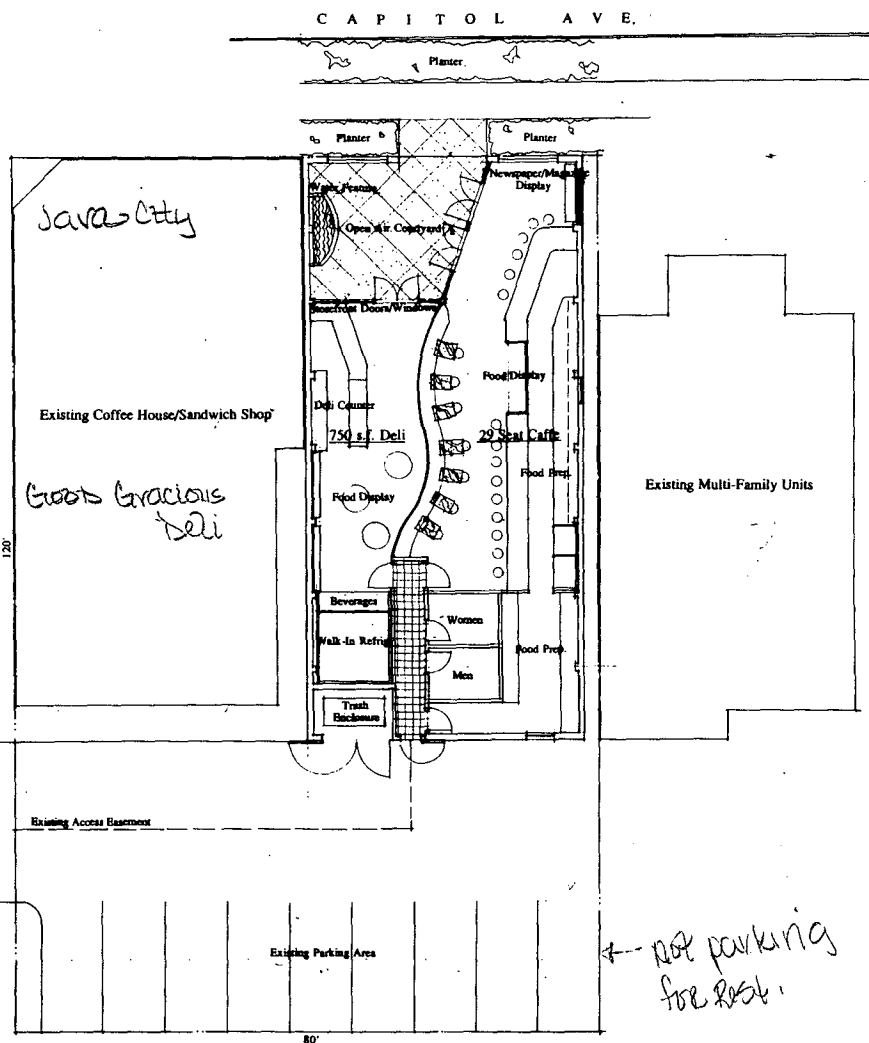


West Elevation



Rear Elevation

002250



Schematic Site/Floor Plan
1/8"=1'-0"

← not parking for rest.

CHINN - RUSCONI
ARCHITECTS

201 Lathrop Way #C
Sacramento, CA 95815
646-3717

JULIE NAGLER
INTERIOR DESIGN
201 Lathrop Way #C
Sacramento, CA 95815
646-3719

Revisions By Date

The architectural contract does not represent that these plans or the specifications or construction described are complete, whether or not indicated for any other use than the one which they were specifically prepared. The architect shall be responsible for the design, construction and specifications of any work not shown or specified in any other way.

Architect

Owner

1806 CAPITOL AVENUE DELI/CAFFE
SACRAMENTO, CA
APN: 007-0142-004
OWNER: ALEX LICHINE

Date: May 14, 1990

Drawn By: Chinn

Checked By:

Project No. 9014

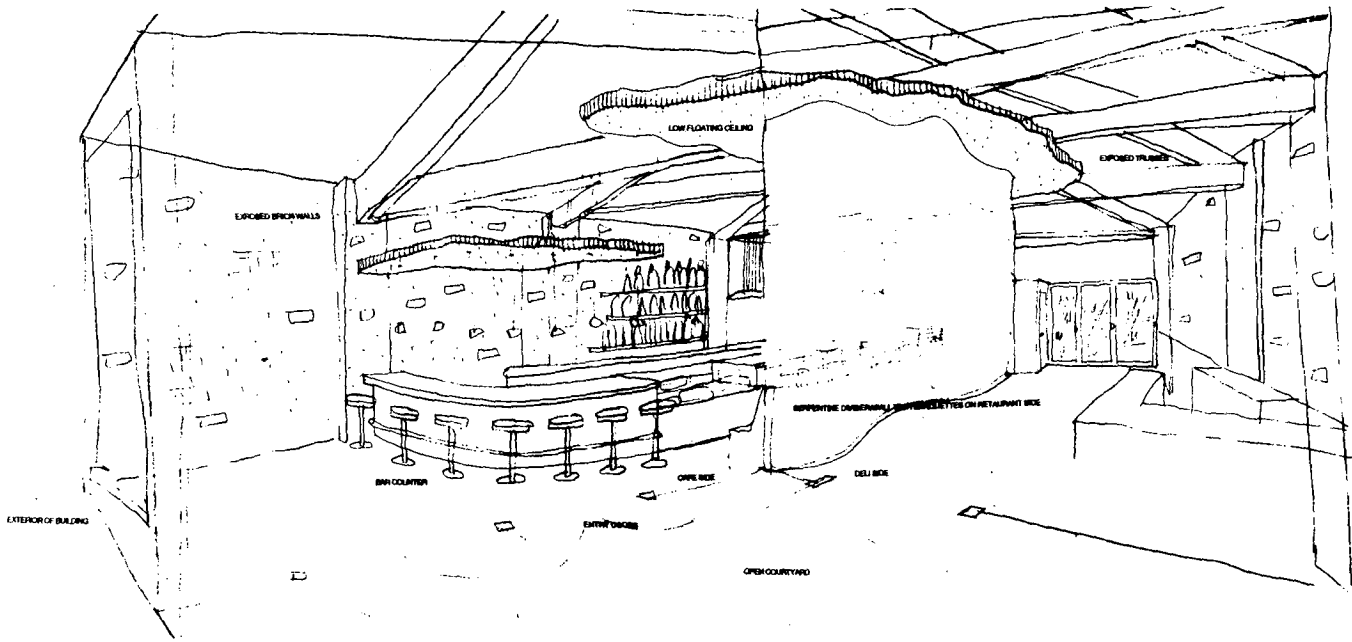
1

Exhibit #

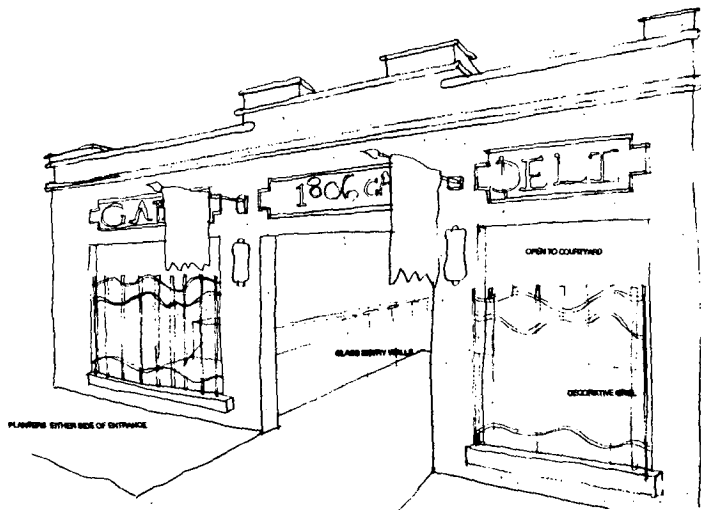
P90-244

9.13.90
~~8.23.90~~

002251 - Item No. ~~13~~
7



INTERIOR PERSPECTIVE



EXTERIOR PERSPECTIVE

CHINN - RUSCONI
ARCHITECTS

201 Lathrop Way, Suite C
Sacramento, CA 95815
916 646 3717

JULIE NAGLER
INTERIOR DESIGN
201 Lathrop Way, #C
Sacramento, CA
95815

Revisions By Date

The undersigned architect, engineer and/or interior designer represents that these plans or the specifications or construction documents are complete, accurate and not modified for any other use than that for which they were specifically prepared. The undersigned disclaims responsibility for any plans and specifications if they are used in whole or in part for any other use.

All drawings and written material appearing hereon constitute the original and authoritative work of the architect and the owner and may be duplicated, used or disclosed without the written consent of the architect.

This drawing is not valid to be used for construction until signed by the architect and owner.

Architect:

Owner:

1806 CAPITOL AVENUE DELI/CAFFE
SACRAMENTO, CA
APN: 007-0142-004
OWNER: ALEX LICHINE

Date May 14, 1990

Drawn By J.N.

Checked By

Project No. 90-14

EXHIBIT B

Exhibit E C

CITY PLANNING DIVISION

AUG 08 1990

RECEIVED

8/6/90

Bridgette Williams
Department of Planning and Development
City of Sacramento
1231 I Street
Room 200
Sacramento, CA 95814-2998

Dear Bridgette;

I am writing this letter as an objection to the allowance of a Special Permit (P90-244) for a restaurant/deli located at 1806 Capitol Ave. I understand this business wishes to be allowed to sell alcoholic beverages for off-site consumption.

My husband, brother-in-law and I have purchased two pieces of real estate in that area; one located at 1701 N Street and the other located at 1321 17th street. Both properties have undergone extensive remodeling. In fact, the 5-plex Victorian (1701 N St) has received a tremendous number of compliments on its beauty. It may become one of the historical sites on the city's tour of historical landmarks. Both properties are fully rented and to professional tenants. We have all tried extremely hard to eradicate the current problem of alcoholics "drifting" through the area. The tenants in our two buildings have suffered through problems including finding drunks passed out in their yards, alcohol bottles and cans left as trash by their front doors, yelling, fights, cursing from those ^{who} are "under the influence" at all hours of the day and night. It is also not uncommon to have some of these people who are enjoying their privilege of "off-site consumption" to use trees, fences as well as tenants vehicles as a restroom facility!

Please, we ask that you work with us in the cleaning up of this neighborhood. This is not a good time to instill another location selling alcoholic beverages. It will only serve to increase the problem of public drunkenness. Already, the police seem to patrol this area constantly having to pick up individuals who are either prostituting, selling drugs or causing a scene as the result of being drunk.

We adamantly oppose the passage of this special permit #P90-244.

Thank you,

Betsy Conron

Betsy Conron
Joseph Conron
William Conron
111 Deerwood Place Ste. 365
San Ramon, CA 94583
(415) 820-7292

P90-244

9.13.90
~~8.23.90~~

002252

7
item to

RESIDENTS OF CAPITOL TERRACE PLEASE
READ.

THE NEW BUSINESS AT 1806 CAPITOL AVE
WILL SERVE HARD LIQUOR, BUT ONLY WITH
THE PURCHASE OF A COMPLETE DINNER.
THE MEAL & THE DRINKS WILL BE SERVED
BY A WAITERESS TO YOUR TABLE. THERE
WILL BE NO BAR SERVICE. THERE WILL
BE IMPROVEMENTS TO THE PROPERTY-
FLOWER BEDS PROTECTED BY 18 INCH
STEEL RAIL FENCE TO KEEP THE BIKERS
AND DRUG PUSHERS OUT. NEW PAVING
STONES TO REPLACE THE SIDEWALK. -AND
\$980,000.00 WORTH OF IMPROVEMENTS TO
TO THE BUILDING. THE BUILDING WAS
PURCHASED, NOT LEASED. -THE OWNER WILL
SPEAK TO US ON AUGUST 16th AT OUR
COUNCIL MEETING. SEE WALTER HAUS FOR
DETAILED COLORED BLUE-PRINTS.

THOMAS J. PRITTE. -COUNCIL REP. -JULY 21st 1990.

P90-244

9-13-90
~~8-23-90~~

002253

Hemo ~~to~~ 7

HAVING READ THE ABOVE STATEMENT, I
A RESIDENT OF CAPITOL TERRACE - WANTS TO
SEE NEW DEVELOPMENT, WHICH MIGHT HELP
IMPROVE OUR NEIGHBORHOOD.

- Magaret Becken - apt. 509
- Gen. Essman apt 704
- Mare Walsh apt 501
- Richard A Heue # 103
- H. M. McKemson # 406
- Ramona Lopez 905
- Carran Morale 907
- Kenny Vaughn 908
- Thomas J Riethe 904
- Manuela Butamante 803
- Eva C. Souza 805
- Ulores Phillips 605
- Anton P B utech 703
- a B Currier 407
- TONY SOUZA 306
- Alta D Kell 710
- Storia Middleton #604
- Oliver Wilkin
- Ann Rully 610 609
- Anna Negro 506
- Mabel Taylor 409
- Elick Tompkinson 304
- Harold Mielhot 709

Exhibit

HAVING READ THE ABOVE STATEMENT, I AS A
RESIDENT OF CAPITOL TERRACE -WANTS
TO SEE NO NEW DEVELOPMENT AT 1806
CAPITOL AVENUE.

D-2

C. HAZEL # 902

J. Ogle 705

F. Ogle 801

Theresa Starrett 809

Jane Martin # 809

P90-244

9-13-90

~~8-23-90~~

002255

Item # 7

WAD(B)ES

This is a formal lease agreement between Alex Lichine (Lessee) and Antoinette Bone and Dianne Slivka Dba Dito (Lessor). Lessee hereby agrees to lease five (5) parking spaces from Lessor. The Lessor hereby grants to Lessee all parking privileges associated with the subject five spaces. The location of the subject parking spaces is: ~~916~~¹⁹²⁷ L Street Sacramento, CA 95814. The cost shall be twenty dollars (\$20) per space per month. This cost shall be fixed with no increases over the term of the lease. The term of the lease shall be sixty (60) months. The lease shall begin on approximately August 15, 1990. The actual start date shall be determined by the Lessee when his business located at 1806 Capitol Mall opens. The undersigned have read the above lease and agree to all of its terms.

Alex Lichine
 Alex Lichine Date

Antoinette Bone 5/24/90
 Antoinette Bone Date

Dianne Slivka 5-22-90
 Dianne Slivka Date

P90-344

9-13-90

002257

item 7

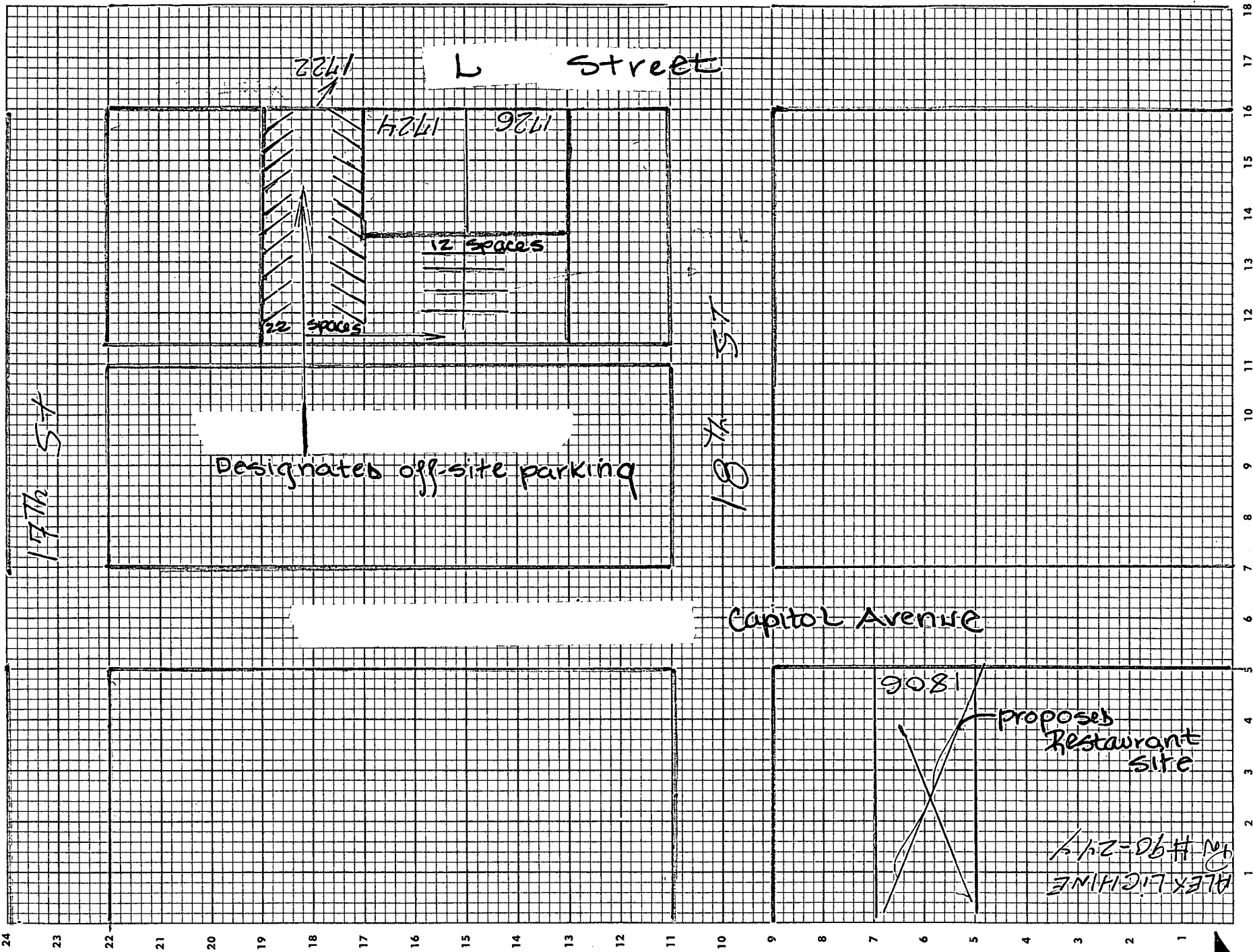


Exhibit M F

North

2 SQUARES TO THE CENTIMETER

Exhibit I G

RECEIVED



June 22, 1990
REF: 90-06-71

ENVIRONMENTAL SERVICES

DEPARTMENT OF
PUBLIC WORKS

PARKING DIVISION

RECEIVED CITY OF SACRAMENTO
CALIFORNIA

1023 J STREET
SUITE 202
SACRAMENTO, CA
95814-2877

916-449-5354

JUN 25 1990

ENVIRONMENTAL SERVICES

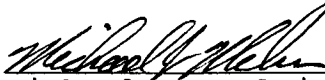
M E M O R A N D U M

TO: Kathy Simonds, Environmental Services
FROM: Michael J. Melvin, Chief of On-Street Parking
SUBJECT: P90-244, 1806 CAPITOL AVENUE CAFE/DELI

This project is within the Capitol area residential permit parking program. The parking supply is regulated by either time limits or parking meters. Vehicles belonging to residents and their guests are exempt from the parking time limits.

Your survey confirms that short-term parking immediately adjacent to the project site is in high demand. However, even during peak parking demand times, there is a surplus of on-street parking within two blocks.

A project of this size should not have a significant impact on the overall area.


Michael J. Melvin

MJM:mlw

002258

P90-244

8-29-90

item # 7

Exhibit J H

FLEET FEET
INCORPORATED

1555 River Park Dr., Suite 102
Sacramento, CA 95815
(916) 646-1122
FAX# (916) 646-1270

CITY PLANNING DIVISION

AUG 22 1990

RECEIVED

August 17, 1990

Ms. Bridget Williams
City Planning Department
1231 I Street
Sacramento, CA 95816

Dear Bridget:

I want to take a moment to tell you how pleased I was to hear of a plan for a downtown produce stand and restaurant intended to open at 18th and Capitol within the next year.

As an athlete and an entrepreneur within the midtown region myself, I appreciate the introduction of healthy grocers and restaurants within our neighborhood and the surrounding area. That which supports the preservation of the lifestyle and flavor of "midtown" also supports my endeavors at *FLEET FEET SPORTS*.

I have spoken with Mr. Alex Lichine, and I do feel that his arrival within our neighborhood will prove a viable contribution to the area.

I support the direction in which you are developing our city, and I look forward to the opening of Mr. Lichine's establishment.

Sincerely,



Sally Edwards
President and CEO

002259

P90-244

9-13-90

Hem 7

Exhibit K I

CITY PLANNING DIVISION

AUG 22 1990

RECEIVED

August 15, 1990

Ms. Bridget Williams
City Planning Department
1231 I Street
Sacramento, CA 95816

Dear Bridget:

I am thrilled with the new plan for a downtown (18th and Capitol) produce stand and restaurant within the next year.

As a longtime Sacramento resident myself, I appreciate the introduction of great grocers and health-oriented restaurants in our neighborhood and nearby. Anything that supports my healthy lifestyle and the "midtown" area as well (so important to the real Sacramento) is good news to me!

I have met Alex Lichine, and I do feel that his business in our neighborhood will be a great asset to the business environment and residents in the area.

I support the direction in which you are developing our city, and I look forward to the opening of Mr. Lichine's establishment.

Sincerely,

Lisa Rieber

Lisa Rieber

002260

P90-244

9-13-90

item 7

Exhibit 6 J

August 17, 1990

CITY PLANNING DIVISION

Ms. Bridget Williams
City Planning Department
1231 I Street
Sacramento, CA 95816

AUG 27 1990

RECEIVED

Dear Ms. Williams:

We are writing to congratulate you on the outstanding plan for a downtown "produce-restaurant" slated to open in the coming year. As athletes and residents of the Midtown region of Sacramento, we are particularly attracted to the development of fresh, healthy grocers and eating establishments within our neighborhood and the surrounding area.

Having had the opportunity to actually speak with Mr. Alex Lichine, we are further encouraged that this establishment will offer the quality products and atmosphere to attract a strong following of viable clientele to our area.

We applaud the direction in which you are developing our city, and we look forward to the opening of Mr. Lichine's establishment.

Sincerely,

Maria Bobenrieth Lisa Watson

Maria E. Bobenrieth and Lisa Watson
2726 H Street
Sacramento, Ca 95816

P90-244

9-13-90 002261

item 7

