

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

**ACTION OF THE ZONING ADMINISTRATOR**

On Wednesday, July 7, 2004, the Zoning Administrator approved with conditions a Special Permit to waive required parking spaces for a restaurant for the project known as Z04-064. Findings of Fact and conditions of approval for the project are listed on pages 2-3.

**Project Information**

Request: **Zoning Administrator Special Permit** to waive eight required parking spaces for a 49 seat restaurant and bar within an existing 3,220 square foot building on 0.17<sub>±</sub> developed acres in the General Commercial, (C-2) zone.

Location: 1930 K St (D3, Area 1)

Assessor's Parcel Number: 007-0084-022

Applicant: Myron (Terry) Sidie  
2000 K Street  
Sacramento, CA 95814

Property Owner: Leung Family Trust  
6873 Antigua Way  
Sacramento, CA 95831

Project Planner: Sandra Yope

General Plan Designation: Community/Neighborhood Commercial & Offices  
Central City

Community Plan Designation: General Commercial

Existing Land Use of Site: Vacant Commercial Building

Existing Zoning of Site: General Commercial (C-2)

North: C-4; Commercial

South: C-2; Commercial

East: C-2; Commercial

West: C-2; Commercial and Railroad tracks

Property Dimensions: 80 feet x 80 feet

Property Area: 0.17<sub>±</sub> acres

Parking Proposed: 2 spaces + Parking Credit of 4 spaces

Parking Required: 16 spaces (based on 1 space for 3 seats)

Square Footage of Buildings: Existing Building: 3,200 square feet

Height of Buildings: Single Story, 19.75 feet

Exterior Building Materials: Concrete

Roof Materials: Built Up

Topography: Flat

Street Improvements: Existing

Project Plans: See Exhibits A-D

Previous Files: None

Additional Information: The applicant is required to have 16 parking spaces for the proposed 40 seat restaurant. The existing site had approximately of six parking spaces for the former auto repair use. In order to meet the required handicap accessible parking stall requirements, the applicant can only provide two on-site spaces. The applicant will provide 40 additional spaces in the Weave Building parking lot to the west of the site after 7 p.m weeknights, and all day Saturday and Sunday. The applicant has a five year lease letter of agreement with the property owner. There is street parking available in the area. The building will have the largest amount of people on-site during the evenings when many of the adjacent offices are closed. Most of the offices in the area have on-site parking. The majority of lunch patrons are anticipated to walk to the site. The Zoning Ordinance stipulates that the Zoning Administrator can issue a Special Permit to waive off-street vehicle parking for small buildings (less than 10,000 square feet). In addition to the findings required for approval of a Special Permit, findings must also be made that the granting of the deviation will not be materially detriment to other properties or land uses in the area. The applicant has requested the Special Permit to waive eight of the required parking spaces.

The site is located within the Mid Town Business Association and Winn Park/Capitol Avenue Neighborhood Association areas. The project plans were sent to the associations. Staff received comments and calls from the Winn Park/Capitol Avenue Neighborhood Association regarding concerns about the parking. They were concerned that the applicant has waived parking for his other properties and was double counting spaces. Staff has researched the adjacent bar expansion project and found that no parking was waived but allowed to be in a separate lot. Additionally, the applicant provided additional parking above the requirement for the bar use. The project was noticed and staff did not receive any calls except from the neighborhood association.

Agency Comments: The proposed project was reviewed by the City Building Division, Public Works Department, Utilities Department, the Fire Department, and the Police Department. There were no conditions received pertaining to the project.

Environmental Determination: This project will not have a significant effect on the environment and is exempt from environmental review pursuant to California Environmental Quality Act Guidelines, Section 15303(c).

Zoning Administrator Hearing: A representative of the Winn Park/Capitol Avenue Neighborhood Association attended the hearing to voice concern at the increasing number of parking spaces being waived in the area. Although the association was not in opposition to the project as the applicant is providing parking off-site, they were concerned with the on-going trend of waiving parking in the midtown area and the impact on the residential properties in the area. The wanted to go on record requesting the city officially study the cumulative and long term parking impacts with the substantial commercial growth, specifically restaurants, in the area and the lack of parking spaces for patrons. The Zoning Administrator indicated the concern would be reported to the Planning Director.

#### Conditions of Approval

1. The seats for the restaurant shall be limited to a maximum of **40 seats**. **The seats will be located inside the restaurant.** No outside seating is permitted as part of this permit.

2. The applicant shall provide a sign in the restaurant and on the adjacent property to the west stating the hours of availability for parking for the restaurant.
3. The applicant shall maintain a lease agreement for evening and weekend parking. If the parking agreement expires or is not renewed after the five year period, then the applicant shall submit for a modification of the conditions to Planning for rereview. The lease shall be for a minimum of 14 parking spaces.
3. Any additional changes, additions, or modifications shall require Planning review and approval.

Findings of Fact-Special Permit:

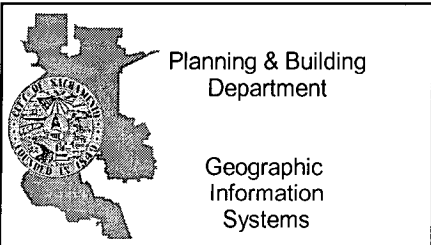
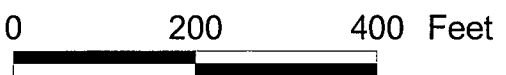
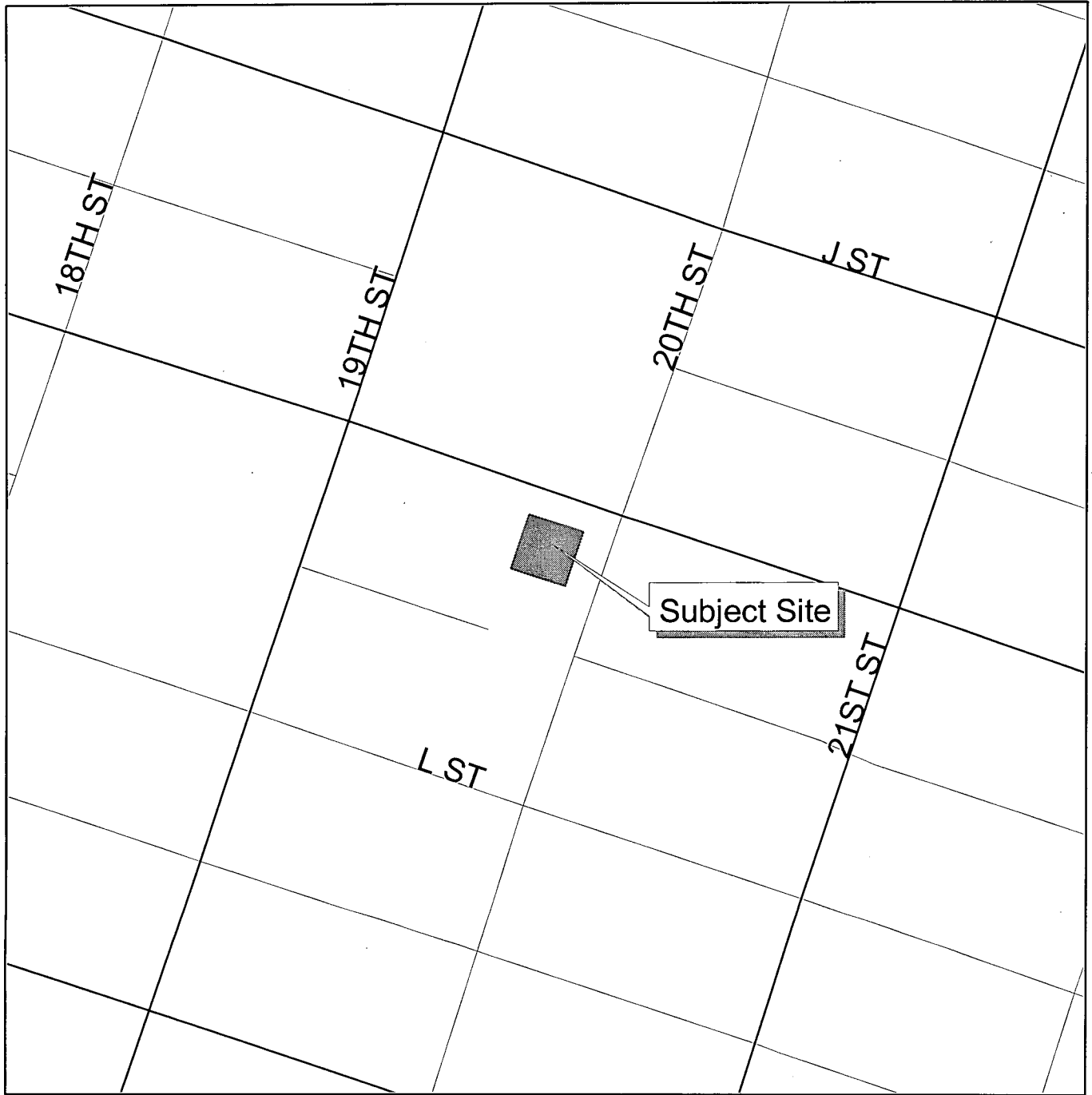
1. Granting the Special Permit is based upon sound principles of land use in that:
  - a. the proposed commercial building will have limited on-site parking;
  - b. there are many other properties along K Street and surrounding streets that have little or no on-site parking in the surrounding neighborhood; and
  - c. waiving parking spaces for the new restaurant within an existing commercial building will not significantly impact or alter the site or surrounding commercial area.
2. Granting the Special Permit would not be detrimental to the public welfare nor result in the creation of a public nuisance in that:
  - a. there is on-street parking available; and
  - b. the applicant has a lease arrangement for evening hours and weekends with an adjacent parking area.
3. Waiving the parking will not be materially detrimental to the other properties or uses in the area in that there is on-street parking available and an adjacent leased area for restaurant patrons in the evening hours and weekends.
3. The project is consistent with the General Plan and the Central City Community Plan which designate the subject site as Community Neighborhood Commercial and Offices and General Commercial respectively.

  
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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 ZA Log Book



# Vicinity Map



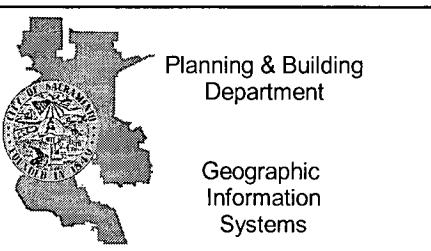
Z04-064

July 7, 2004

Item 6



0 300 Feet



## Land Use & Zoning







