

CITY PLANNING COMMISSION
SACRAMENTO, CALIFORNIA
MEMBERS IN SESSION:

ITEM # 6
AUGUST 28, 2003
PAGE 1

P03-043 - Lotus Lounge

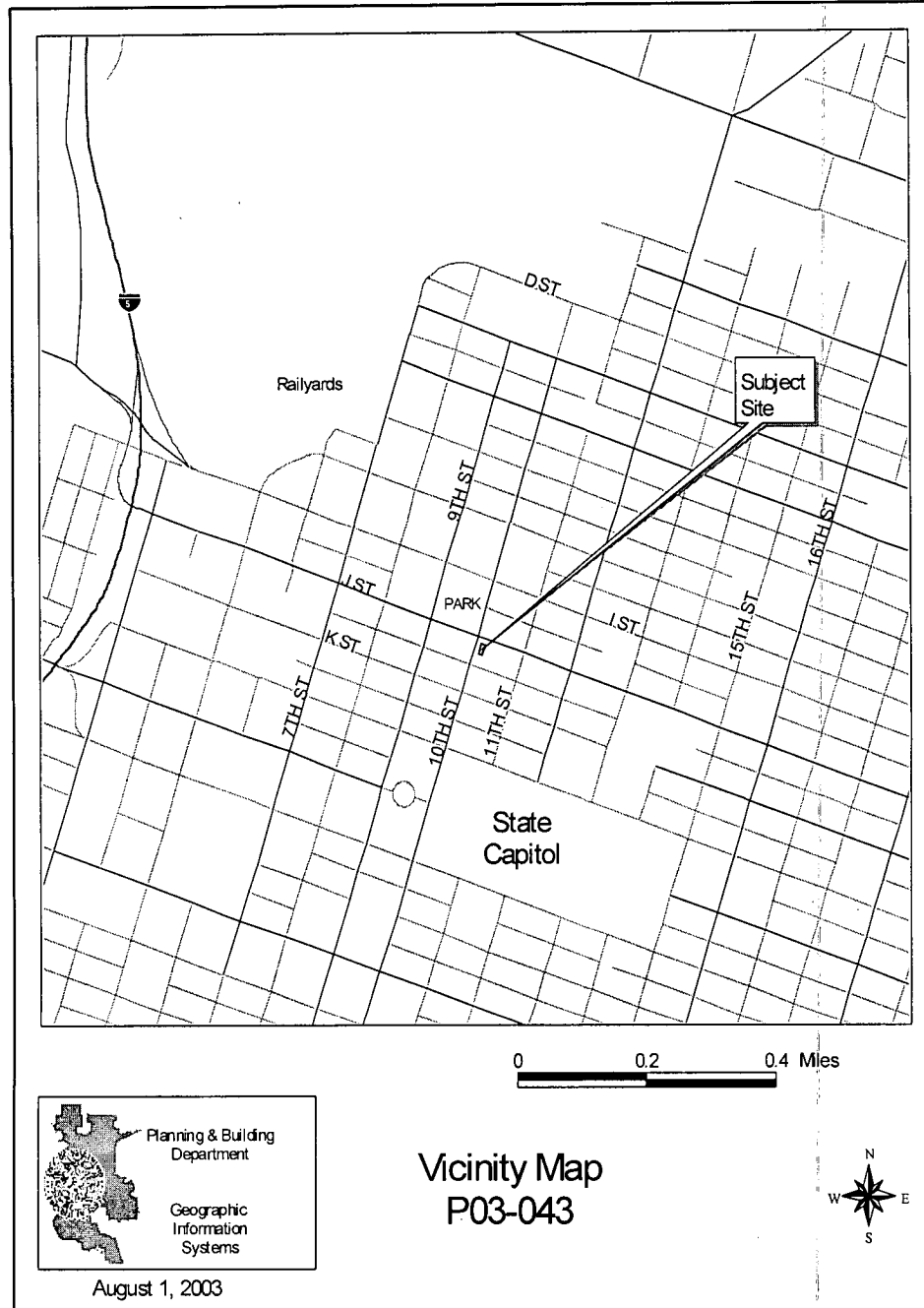
- REQUEST:
- A. **Environmental Determination:** Exempt (CEQA Section 15301a)
 - B. **Special Permit** to allow a 4,589± s.f. bar/nightclub on 0.07± developed acres in the Central Business District Special Planning District (C-3-SPD) zone.

LOCATION: 1009 10th Street
APN: 006-0103-002
Central City Community Plan Area
Council District 1

APPLICANT:	David Alfonso 10 Brynmar Ct. Sacramento, CA 95835 (916) 419-5103
OWNER:	Ismail Abukhdair 1000 J Street Sacramento, CA 95814
APPLICATION FILED:	April 2, 2003
STAFF CONTACT:	Michael York, (916) 808-8239

SUMMARY:

The applicant is requesting entitlements to operate a 4,589± sf bar/nightclub, with hours of operation being Wednesday through Saturday from 8:00pm to 2:00am and Sunday through Tuesday from 6:00pm to 12:00am. The applicant is requesting a type 48 license (bar license) from Alcohol Beverage Control (ABC), which necessitates the need for a Special Permit. Staff has no issues with the proposed project.



RECOMMENDATION: Staff recommends approval of the project subject to conditions. This recommendation is consistent with the General Plan and the Arts & Entertainment District Master Plan policies to add night and weekend activities within the downtown area, specifically within the Central Business District (C-3-SPD) zone. Additionally, the conditions of approval for this project should eliminate the potential for nuisance activities or law enforcement related issues that could be associated with this project.

PROJECT INFORMATION:

General Plan Designation:	Community/Neighborhood Commercial
Community Plan Designation:	Multi Use
Existing Land Use of Site:	1 st Floor (retail)
	2 nd Floor (vacant)
Existing Zoning of Site:	C-3-SPD

Surrounding Land Use and Zoning:

North:	Office; C-3-SPD
South:	Office; C-3-SPD
East:	Commercial, Office; C-3-SPD
West:	Office, Apartments; C-3-SPD

Property Dimensions:	40' x 80'
Property Area:	3,200+ square feet
Square Footage of Building:	5,616± square feet
Height of Building:	34 feet, 2 stories
Exterior Building Materials:	Tile, Glass, Cement
Roof Material:	Flat with parapet
Hours of Operation:	8 PM to 2 AM (Wed - Sat)
	6PM to 12 AM (Sun - Tue)
Parking Provided:	0 spaces
Parking Required:	0 spaces
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing

OTHER APPROVALS REQUIRED: In addition to the entitlements requested, the applicant will also need to obtain the following permits or approvals, including, but not limited to:

<u>Permit</u>	<u>Agency</u>
On Site Alcohol Sales	State Department Alcohol Beverage Control (ABC)
Dance Permit	City Revenue Division
Letter of Public Convenience or Necessity	Police Department
Building Permit	Planning & Building Department
Off-Site Improvements	Public Works Plan Check

BACKGROUND INFORMATION:

In May 1990 the City Council adopted the Cultural and Entertainment District Master Plan (M89-011), which provides a plan to create an environment where people in the downtown core can enjoy and experience an array of formal and informal activities, such as shopping, dining, movie and concerts. The building currently contains a convenience store and clothing store on the first floor with the second floor vacant. The convenience store will remain, the clothing store is proposed to close and will become a lobby for the Lotus Lounge. The vacant second floor will be the main area of the bar/nightclub. An open area mezzanine is also proposed between the first and second floors. No other entitlement history was found for the project site.

STAFF EVALUATION: Staff has the following comments:A. Policy Considerations

The project will provide after hours entertainment in the downtown area which is consistent with the following General Plan Goals and Policies.

The project site is designated Community/Neighborhood Commercial in the General Plan and Multi Use by the Central City Community Plan. The proposed project is consistent with these land use designations.

General Plan:

Sec 4.13, Policy 2

Actively support the development of cultural and entertainment facilities and events in the downtown area.

Sec 4.14, Goal B

Promote the successful development of mixed-use projects in the Central City.

Furthermore, the proposed project is consistent with the Cultural and Entertainment District Master Plan to create an "18 hour city" by creating a concentrated mix of cultural and entertainment facilities that will be capable of contributing to downtown's night and weekend activity. The business is proposed to remain open until 2:00 a.m., long after the majority of the surrounding offices and lunch establishments, which typically close at 5:00 pm and usually are not open on weekends.

B. Zoning Requirements1. Special Permit

The City's Zoning Ordinance requires a special permit for the establishment of a "bar" in the Central Business District (C-3-SPD) zone. The request for

the type of license with Alcohol Beverage Control defines the establishment as a "bar" under the City's Zoning Ordinance. The special permit requirement allows the Planning Commission to review and establish conditions on a project-by-project basis to ensure that projects will not have negative effects on surrounding areas.

Furthermore, the Planning Commission must also consider whether the proposed nightclub will detrimentally affect nearby properties & residentially zoned areas, and give consideration to the distance from churches, schools, hospitals, public parks, playgrounds, day care centers, and other similar uses.

The proposed project is located in a predominately commercial area with the exception of a couple of residential hotels within 1,000 feet of the subject site. The residents of these units may be affected, since it is likely they would be home when this proposed nightclub would be in operation. Furthermore, this site is within a block of the proposed 200+ unit Metro Place project at 9th & J Streets. However, with the adoption of the Arts & Entertainment District the City Council identified the CBD as the area to locate entertainment venues.

All other properties within a 1000 ft of the proposed nightclub are some type of commercial or office use, whose hours of business are typically between 7a.m and 7p.m. These businesses are highly unlikely to be affected by this proposed nightclub.

The Police Department has provided no opposition and believes the conditions of approval for this project should eliminate the potential for nuisance activities or law enforcement related issues that could be associated with a bar/nightclub use.

A letter of Public Convenience or Necessity has been issued by the Police Department. A letter of Public Convenience or Necessity is required when the State Department of Alcoholic Beverage Control deems a census tract to be over concentrated with alcohol sale licenses.

2. Parking/Circulation

Within the Central Business District (CBD) - Special Planning District (C-3-SPD) zone, there is no requirement for on-site parking for a nightclub use.

There is ample evening parking in close proximity to the proposed project. Nearby facilities such as the parking lot at 10th & I Streets allows public parking and becomes available as nearby businesses and offices close and customers and employees leave. On-street parking along J and 10th Streets provide additional parking as well.

3. Signage

No signage is proposed at this time. However, because the site is located within the Plaza Park Preservation Area any signage proposed in the future must conform to the City's Sign Ordinance and will be subject to review and approval by the Preservation Staff.

C. Building Design

The existing building has a tile and glass exterior and flat roof with a parapet. The building is two stories with the main entry to the proposed nightclub from the 10th street frontage. No modifications are proposed to the exterior of the building as a result of the proposed nightclub. The site is located within the Plaza Park Preservation Area and any exterior modifications to the building are subject to preservation staff review.

PROJECT REVIEW PROCESS:

A. Environmental Determination

The proposed project is exempt from environmental review pursuant to CEQA Guidelines (CEQA Section 15301a).

B. Public/Neighborhood/Business Association Comments

The project application was routed to the following associations:

Downtown Partnership
Downtown Plaza Merchants
Sacramento Old City Association
Alkali Flat Neighborhood Association
Economic Development

A written response was received from Economic Development in support of the project. Economic Development felt the project would add positively to the downtown's night and weekend activity with its proposed format. Economic Development did express concern if the format were to change in the future and to explore the possibility of a time limit on the special permit. The conditions of approval should address any issues even if format changes occur in the future, negating the need for a time limit. No other comments were received from these associations, or members of the public regarding the project.

C. Summary of Agency Comments

The project has been reviewed by several City Departments and other agencies. The following summarizes the comments received:

1. Police Department

Although the nightclub is proposed for the second floor, the Police Department would like the windows to remain unobstructed. All other applicable comments are addressed in the conditions.

The Police Department issued a letter of Public Convenience or Necessity on April 9, 2003. (Attachment 3)

2. Fire Department

Sprinkler system may be required.

3. Building Department

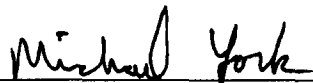
All applicable comments are addressed in the conditions.

PROJECT APPROVAL PROCESS: Of the entitlements below, Planning Commission has the authority to approve or deny the special permit. The Planning Commission action may be appealed to the City Council. The appeal must occur within 10 days of the Planning Commission action.


Staff recommends the Planning Commission take the following actions:

- A. Adopt the attached Notice of Decision and Findings of Fact which finds that the project is Exempt pursuant to CEQA Section 15301a;
- C. Adopt the attached Notice of Decision and Findings of Fact approving the Special Permit to allow a 4,589±s.f. bar/nightclub on 0.07± developed acres in the Central Business District Special Planning District (C-3-SPD) zone.

Report Prepared By,


Michael York, Assistant Planner

Report Reviewed By,


Jeanne Corcoran, Senior Planner

Attachments

Attachment 1	Notice of Decision & Findings of Fact
Exhibit 1A	Site and Floor Plan
Attachment 2	Land Use & Zoning Map
Attachment 3	Letter of Public of Convenience or Necessity

**ATTACHMENT 1
NOTICE OF DECISION AND FINDINGS OF FACT FOR
LOTUS LOUNGE, LOCATED AT 1009 10th STREET SACRAMENTO, CALIFORNIA
IN THE (C-3-SPD) ZONE. (P03-043) (APN: 006-0103-002)**

At the regular meeting of August 28, 2003 the City Planning Commission heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Planning Commission took the following actions for the location listed above:

- A. **Environmental Determination, Exempt as per Section 15301a**
- B. **Approved the Special Permit to allow a 4,589±s.f. bar/nightclub on 0.07± developed acres in the Central Business District Special Planning District (C-3-SPD) zone.**

These actions were made based upon the following findings of fact and subject to the following conditions:

FINDINGS OF FACT

- A. Categorical Exemption: The City Planning Commission finds and determines that the proposed project is exempt from environmental review pursuant to Section #15301a of the CEQA Guidelines.
- B. Special Permit to allow a Bar within the C-3-SPD zone: The Special Permit to allow the a Bar within the C-3-SPD zone is **approved** based on the following findings of fact:
 - 1. The project is based upon sound principles of land use in that:
 - a. the proposed use, as conditioned is not anticipated to adversely affect the peace and general welfare of the surrounding residential and commercial neighborhood;
 - b. the proposed use located in the Arts & Entertainment District in which the City supports entertainment facilities to create an 18 hour city and anticipates on over concentration of establishments; a letter of Public Convenience or necessity has been issued by the Police Department.
 - c. the project supports the goals of the City of Sacramento's Arts & Entertainment District.

2. The project will not be detrimental to the public welfare and result in the creation of a public nuisance in that the project is not anticipated to increase crime in the area, and a condition will provide on-site security to be coordinated with the Police Department.
3. The project is consistent with the General Plan and Community Plan to actively support the development of cultural and entertainment facilities and events in the downtown area.

CONDITIONS OF APPROVAL

- B. The Special Permit to allow a 4,589± s.f bar/nightclub on 0.07± developed acres in the Central Business District (C-3-SPD) zone is hereby approved subject to the following conditions of approval:

Police Department

- 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 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.
- 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.

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

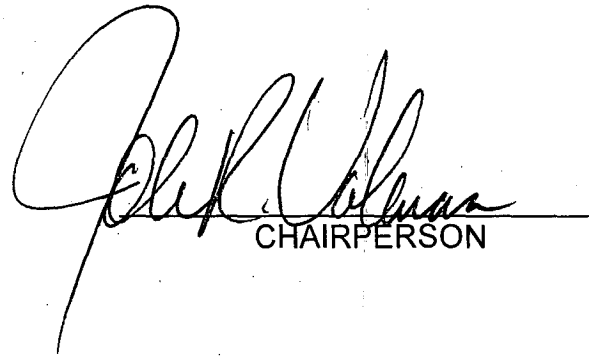
- B24. The applicant shall repair or replace/reconstruct any existing deteriorated curb, gutter and sidewalk fronting 10th and J Streets per City standards to the satisfaction of the Department of Public Works.
- B25. The site plan shall conform to A.D.A requirements in all respects.

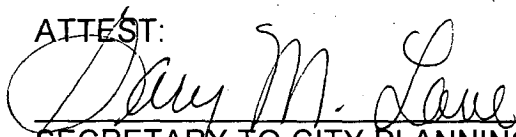
Fire Department

- B26. Full alarm and sprinkler system shall be required.

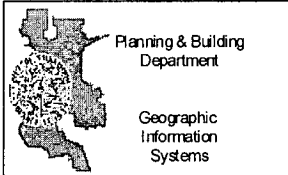
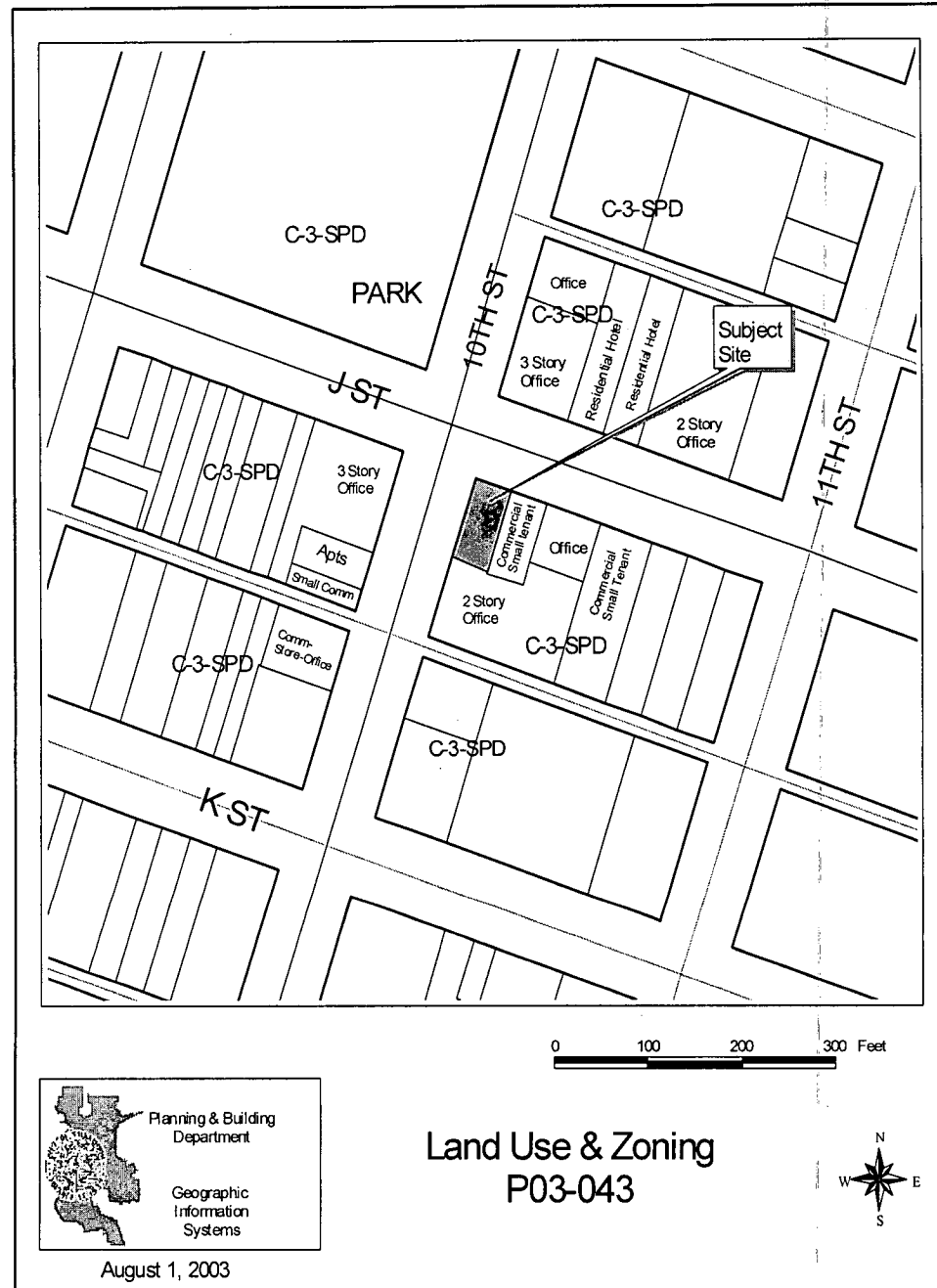
Building Department

- B27. The number of toilet fixtures shall comply with the Uniform Building Code (UBC).
- B28. Prior to issuance of building permit a lateral analysis and any structural update drawing shall be provided.
- B29. The mezzanine area shall comply with Section 507 of the Uniform Building Code (UBC).
- B30. The building shall have one-hour fire rating construction.


CHAIRPERSON

ATTEST:

SECRETARY TO CITY PLANNING COMMISSION
8/28/03
DATE (P03-043)

Attachment 2 - Land Use & Zoning Map



August 1, 2003

Land Use & Zoning
P03-043



Attachment 3 – Letter of Public Convenience or Necessity



MAR 27 2003

Dept. of Alcohol Beverage Control
SacramentoDEPARTMENT OF
POLICEALBERT NÁJERA
CHIEF OF POLICESTEVE SEGURA
DEPUTY CHIEF OF POLICERICK BRAZIEL
DEPUTY CHIEF OF POLICECITY OF SACRAMENTO
CALIFORNIA5770 FREEPORT BLVD., SUITE 100
SACRAMENTO, CA
95822-3516PH 916-433-0800
FAX 916-433-0818
www.sacpcd.org

March 24, 2003

Tim Gorsuch
District Administrator
Alcohol Beverage Control
3321 Power Inn Road, Suite 230
Sacramento, California 95826

Ref. No.: LC3-03-17

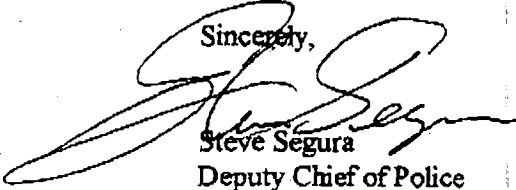
Dear Mr. Gorsuch:

The Police Department protests the application for a type 48 license at 1009 Tenth St., Lotus Bar & Lounge, based on the existing problems with litter, loitering, and alcohol consumption in this area. The issuance of this license without specific conditions may create a law enforcement problem and diminish the quality of life for citizens residing within the area of this establishment. Therefore, we are requesting the following conditions be placed on the license.

1. The sale of alcohol for consumption off the premises is strictly prohibited.
2. Entertainment provided shall not be audible beyond the area of control of the licensee.

If you have any questions or comments, please contact Officer Baldock at 433-0704.

Sincerely,


Steve Segura
Deputy Chief of Police

RECEIVED

APR 09 2003

Hearing and Legal Unit
Dept. of Alcoholic Beverage Control
SACRAMENTO