

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

**ACTION OF THE ZONING ADMINISTRATOR**

On Tuesday February 15, 1994 the Zoning Administrator approved with conditions a Special Permit for the project known as Z93-089. Findings of Fact and conditions of approval for the project are listed on pages 3 and 4.

**Project Information**

Request: Zoning Administrator's Special Permit for a 48 seat sidewalk cafe in the General Commercial (C-2) zone.

Location: 1800 Capitol Avenue  
Assessor's Parcel  
Number: 007-0142-003

Applicant:	Cucina Holdings, Inc. DBA Java City Property 717 W. Del Paso Rd. Sacramento, CA 95834	Property Owner:	Thurza Stevenson Trust 1411 Birchwood Ln. Sacramento, CA 95816
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General Plan Designation: Community Neighborhood Commercial & Offices  
1980 Central City Community  
Plan Designation: General Commercial, Multi-Use  
Existing Land Use of Site: Sidewalk, Coffee House  
Existing Zoning of Site: C-2

**Surrounding Land Use and Zoning:**

North: Office, Commercial, Residential; C-2  
South: Residential; R-5  
East: Residential, Commercial; C-2  
West: Residential, Office; C-2, R-5

Parking Required: 0  
Parking Provided: 0  
Property Dimensions: Sidewalk  
Property Area: N/A  
Topography: Flat  
Street Improvements: Existing  
Utilities: Existing

**Project Plans:** See Exhibits A - G

Additional Information: The project site is adjacent to and will be used in conjunction with an established coffee house. The site consist of two lots, one 40' X 80' lot which the building occupies and another 40' X 80' lot for parking. The existing 3,200 square foot building consists of two tenant spaces. The coffee house is 2,223 square feet and the remaining 977 square foot space is vacant. The vacant space was formerly a sandwich shop. Java City is proposing to eventually expand the restaurant into this space, however until the expansion occurs it is proposed to be utilized as storage for the coffee shop. On January 27, 1983, the Planning Commission approved a variance to waive six parking spaces for a 45 seat restaurant (P82-295). When the existing restaurant expands into the remaining vacant space additional parking may be required.

The plans indicate 36 seats to be placed on the sidewalk adjacent to the tenant space occupied by Java City. The remaining 12 seats are located adjacent to the vacant tenant space. Sidewalk seating is only permitted adjacent to a restaurant or business serving food and beverage. The sidewalk seating should not be placed adjacent to the vacant tenant space until the coffee house expands into this space and is utilizing it as a service area.

The seats will be placed in the area usually designated as the landscape planter strip of the sidewalk. Brick pavers have been installed in the areas around the trees. The City Arborist has approved and inspected these pavers. A four foot wrought iron fence will be placed around the seating area to delineate the seating area from the sidewalk area.

The adjacent neighborhood associations were contacted, Fremont Park, Winn Park/Capitol Avenue and Central City Alliance of Neighborhood. Karen Jacques of Winn Park/Capitol Avenue responded with a letter recommending that all residents and businesses within a two block radius of Java City be contacted so that their concerns can be heard (Exhibit D). Staff talked to Debra Barnes of the Fremont Park Neighborhood Association by phone. She indicated that the Association did not object to the permit for the sidewalk cafe.

Java City held a neighborhood meeting on September 23, 1993, inviting neighbors to attend who had concerns regarding the sidewalk seating. Concerns expressed in this meeting dealt with parking issues, noise and seating area (Exhibit E).

Java City does not presently have an ABC license and does not propose to serve alcohol in the sidewalk cafe area. The Zoning Administrator wishes to note that the approved seating arrangement would not meet the Police Department's requirements for serving alcoholic beverages on the sidewalk.

The proposal to locate the seating in the public right-of-way was reviewed by Traffic Engineering, Engineering Division, Development Section, Building Inspections, Police Department, Tree Services, Design Review, Parking Division, Street Maintenance, Design Review and the Fire Department. The comments of the Engineering and Parking Division, Design Review staff and the Fire and Police Departments are listed in the conditions of approval. Fire and Police Department comments are also attached as Exhibits F and G respectively.

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 15305b).

Conditions of Approval

1. A minimum two foot clearance between the curb and fencing shall be maintained for vehicle access along the curbs of 18th Street and Capitol Avenue (Parking Division requirement).
2. Twenty-four (24) hour access for any existing or future electrical facilities in this area shall be maintained (Engineering Division requirement).
3. 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 this establishment shall be responsible for keeping this area clean of trash generated by the restaurant/sidewalk cafe use.
4. 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. The public right-of-way cannot be used for a sidewalk cafe until the Encroachment permit resolution is issued. This condition shall be completed by June 1, 1994.
5. The red and black tables and chairs and the fence indicated in Exhibit C are approved as the furniture and the decorative barrier for the sidewalk cafe and shall be in place before June 1, 1994 (but not before issuance of the encroachment permit). If the applicant chooses to utilize a different decorative barrier in place of the proposed fence, or a different type of street furniture, the barrier type and location or the street furniture type shall be subject to the review and approval of Design Review staff and the Zoning Administrator.
6. Tables, chairs and fencing shall not be placed adjacent to the vacant tenant space until such time that Java City physically moves into this space and utilizes it as a service area (Phase II). At that time the applicant must inform the Zoning Administrator of the expansion of the sidewalk cafe.
7. No seating is to be permitted in the areas identified in the applicant's seating plan as the minimum four foot "clear passage" zone. On the west side of the building, seats may be moved from the table area to the area which is marked adjacent to the building to allow for single seating. Tables are not permitted in this area adjacent to the building. The maximum number of seats permitted for the sidewalk cafe continues to remain at 48.
8. Maintain clear access to doorways. If fencing is placed in front of doorways the fencing must have non-locking gates (Exhibit F). Do not block access to fire hydrants, if any exist (Fire Department requirements).
9. An employee shall be assigned to monitor the outside seating area from opening (currently 6:00 a.m.) until 8:00 p.m. in the evening. From 8:00 p.m. until closing (currently 11:00 p.m. weeknights, 12:00 a.m. Friday and Saturday) a readily identifiable employee shall be stationed in the outside seating area to insure compliance with the conditions of this permit.

10. At the discretion of the area commander (Police) after consultation with the applicant or his representative, the applicant may be required to station a uniformed security officer in the outside seating area. The uniformed security officer may be used in place of the employee mentioned in condition 9.
11. No entertainment or amplified sound of any type is to be permitted in the sidewalk cafe area. This includes impromptu performances by street musicians and other persons.
12. Informational materials currently posted in the windows relating to Java City's policies shall remain posted in the windows.

Findings of Fact

1. The project as conditioned, is based upon sound principles of land use in that sidewalk cafes allow for more people and activity on the street.
2. The project, as conditioned, will not be detrimental to the public health, safety or welfare, nor result in the creation of a nuisance in that:
  - a. adequate sidewalk area will be provided for pedestrians,
  - b. the restaurant will be responsible for monitor the outdoor seating area, and;
  - c. the surrounding will be monitored or trash and kept clean.
3. The proposed project is consistent with the General Plan and the Central City Community Plan which designates the site for commercial uses.

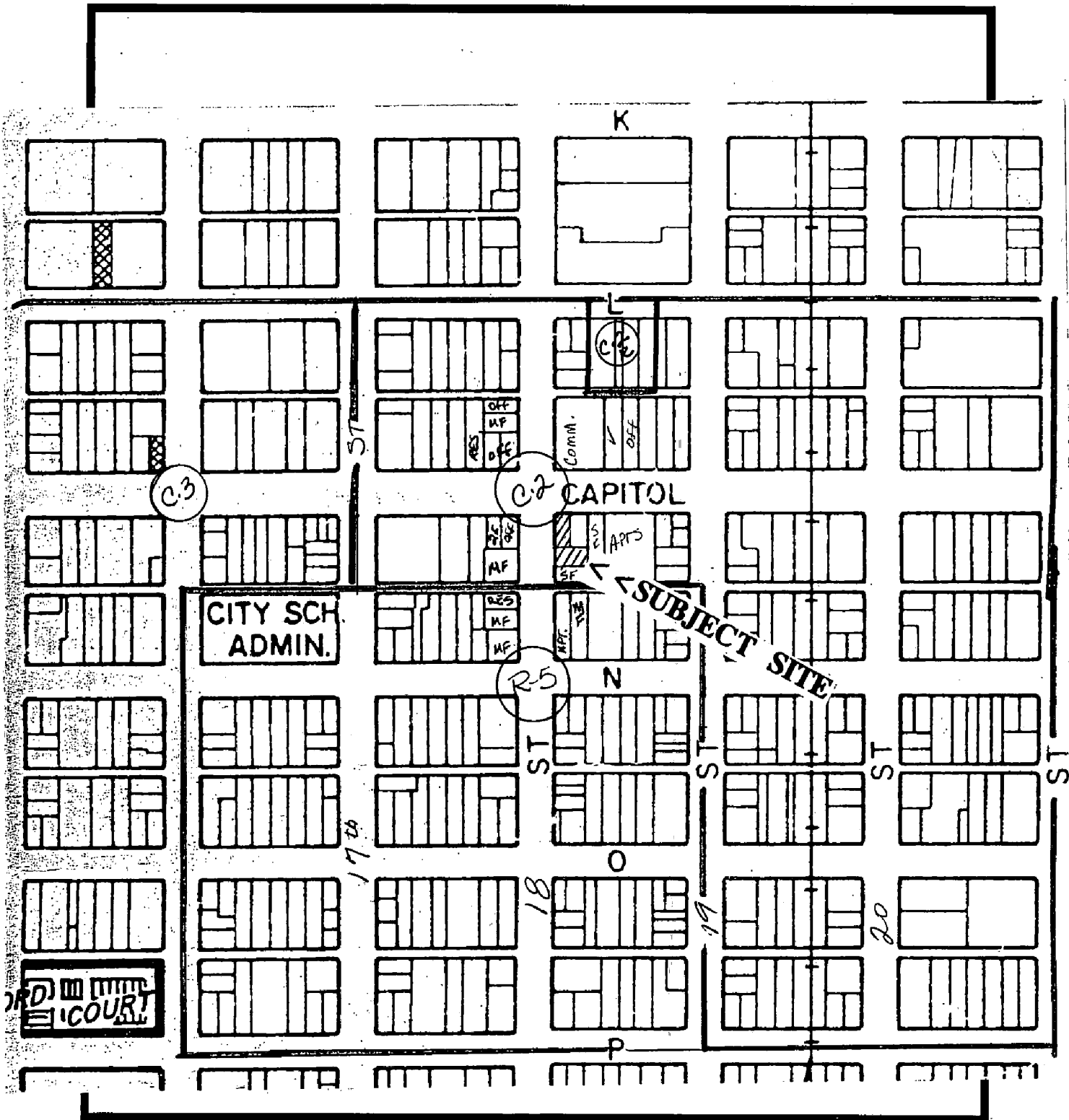
*Joy D. Patterson*

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  
Cory Gutierrez, Manager, Capitol Ave. Java City  
ZA Log Book



VICINITY AND LAND USE MAP

CAPITOL AVENUE

16 seats

JAVA CITY SIDEWALK SEATING PLAN  
1800 CAPITOL AVENUE

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

BIKE RACK  
(6 BIKES)

GARBAGE CAN

JAVA CITY

Single seats from tables can be moved into marked area adjacent to west side of building

TELEPHONE POLE  
NEWSPAPER STANDS  
STOP SIGN

20 seats

18TH STREET

Phase 2

12 seats

4' high wrought iron fence, 6" from outside edge of curb 18th & Capitol on sides

PARKING LOT

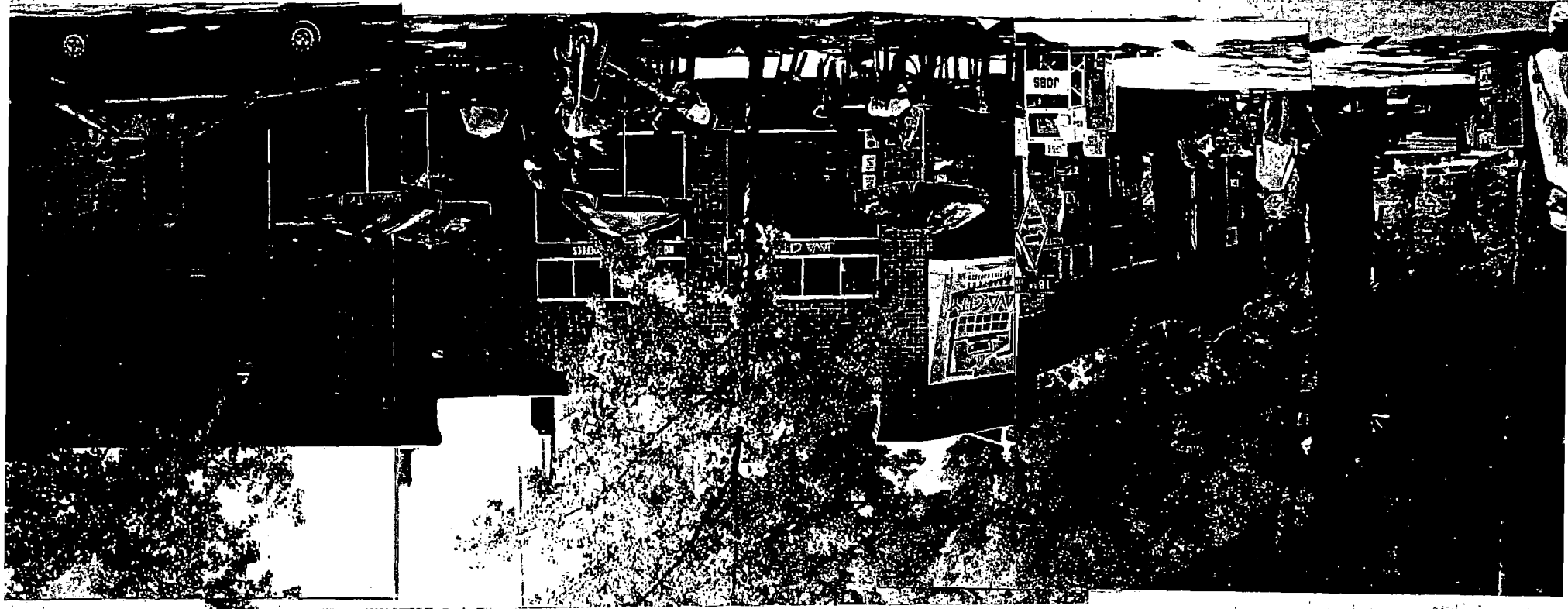
LEGEND

- PROPERTY LINE
- 1'-0" 2'-0" CLEAR PASSAGE ZONE
- CONCRETE
- PAVER BLOCK



EXHIBIT B

WEST



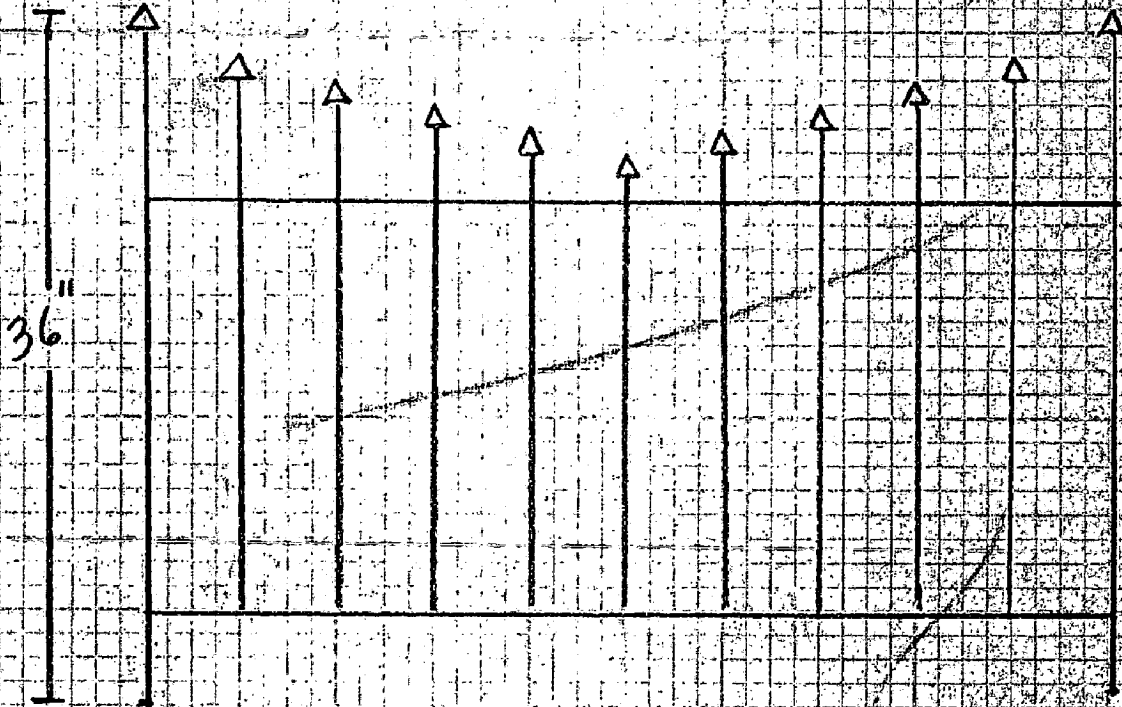
NORTH

09/15/08/4

2/15/9/1

ITEM NO. 1

# HEIGHT OF PROPOSED IRON FENCING FOR JAWA CITY OUTSIDE SEATING AREA



CITY OF SACRAMENTO  
PLANNING DIVISION

DEC 17 1993

RECEIVED



December 2, 1993

Jeanne Corcoran  
City Planning Division  
1231 I Street  
Sacramento, CA 95814

RE: Java City Sidewalk Cafe  
Project # 293-089

Dear Jeanne

This project falls within the boundaries of the Fremont Park Neighborhood Association and we have referred it to them. They are familiar with the day to day impact of Java City on their neighborhood and their opinion should be a key part of any decision which the Planning Department makes.

Our Board would also recommend that all residents and businesses within a two block radius of Java City be contacted so that their input can be heard and considered.

Sincerely,

Karen Jacques, President  
Winn Park Capitol Avenue Neighborhood Association

cc: Fremont Park Neighborhood Association

293.089

2-15-94

ITEM No 1

103

September 23, 1993

A meeting was held at 6:00 pm on September 23, 1993, in the area located next to Java City, 1307/09 18th Street. The meeting was open to any concerned customers, neighbors, and/or home owners who were interested in the Java City sidewalk seating permit application.

**MAIN CONCERNS WERE PARKING ISSUES/VOLUME CONTROL/SEATING AREA****1. PARKING ISSUES:**

- A. Cars park in the No Parking Area in front of the senior building not allowing easy access in and out.
- B. Cars park on the street during the street cleaning No Parking time not allowing the street to get cleaned on a regular basis.
- C. Difficulty finding spaces to park.

**Possible solution discussed:**

- The city to ticket violators in the No Parking zones, or incorporate a Tow Away Zone.
- 15 minute parking zones.
- Larger No Parking signs.
- Java City parking lot is open to all employee and customer approximately 13 spaces.

**2. VOLUME CONTROL:**

- A. Loud, rowdy customers at No Jive Java, until after closing. Loud amplified music at No Jive Java, 90% of the control volume issues are No Jive Java issues. Java City employs two security persons, one each night of the week and a second person on the weekends to control unacceptable behavior and, to assist in achieving a pleasant environment for our customers. Our outside person is dedicated to making the area a positive experience for all of our customers along with seeing that our employees are seen safely to their vehicles after closing hours. Java City has limited its music performances to an acoustic jazz trio, which lends itself to a very relaxed atmosphere.
- B. Air condition unit on the roof is noisy when running all night. Java City has had a timer thermostat installed so the unit does not operate during the sleeping hours of 11pm to 5am.

293-089

2-15-94

ITEM NO. 1

- C. Motorcycles - The motor are too loud when customers leave Java City. Unfortunately, Java City cannot control what our customers mode of transportation is nor can we regulate the volume of the engine. A suggestion was to have a designated area for motorcycle parking, however, that is not a guarantee that the motorcycles would park there.

**3. SEATING AREA:**

- A. Are we going to have seats next to the building and on the brick area? Java City would like to only have seating on the bricked area. Our plan is to have specific area outside for seating with an aesthetically appealing raud iron railing enclosing the area for customer control.
- B. Skateboard and bicycle riders. All activities on the sidewalks are constantly monitored by Java City, keeping an easy passage for all people to pass without difficulty.

There also were many people who voiced the positive issues of sidewalk seating at Java City. Many appreciate the culture and community involvement that is created. Outside cafe seating brings a certain charm and ambience to an area. A neighborhood feeling of safety, knowing that there are people out and about in the evenings, and a social avenue to bring friends together in an alternative scene from a bar or club.

In conclusion, we feel that all of these issues were not against outside seating at Java City. However, the concerns were related to control. We at Java City have been and will continue to relate positively to reasonable issues and concerns.

FROM NO 1

2-5-94

14 June 1994

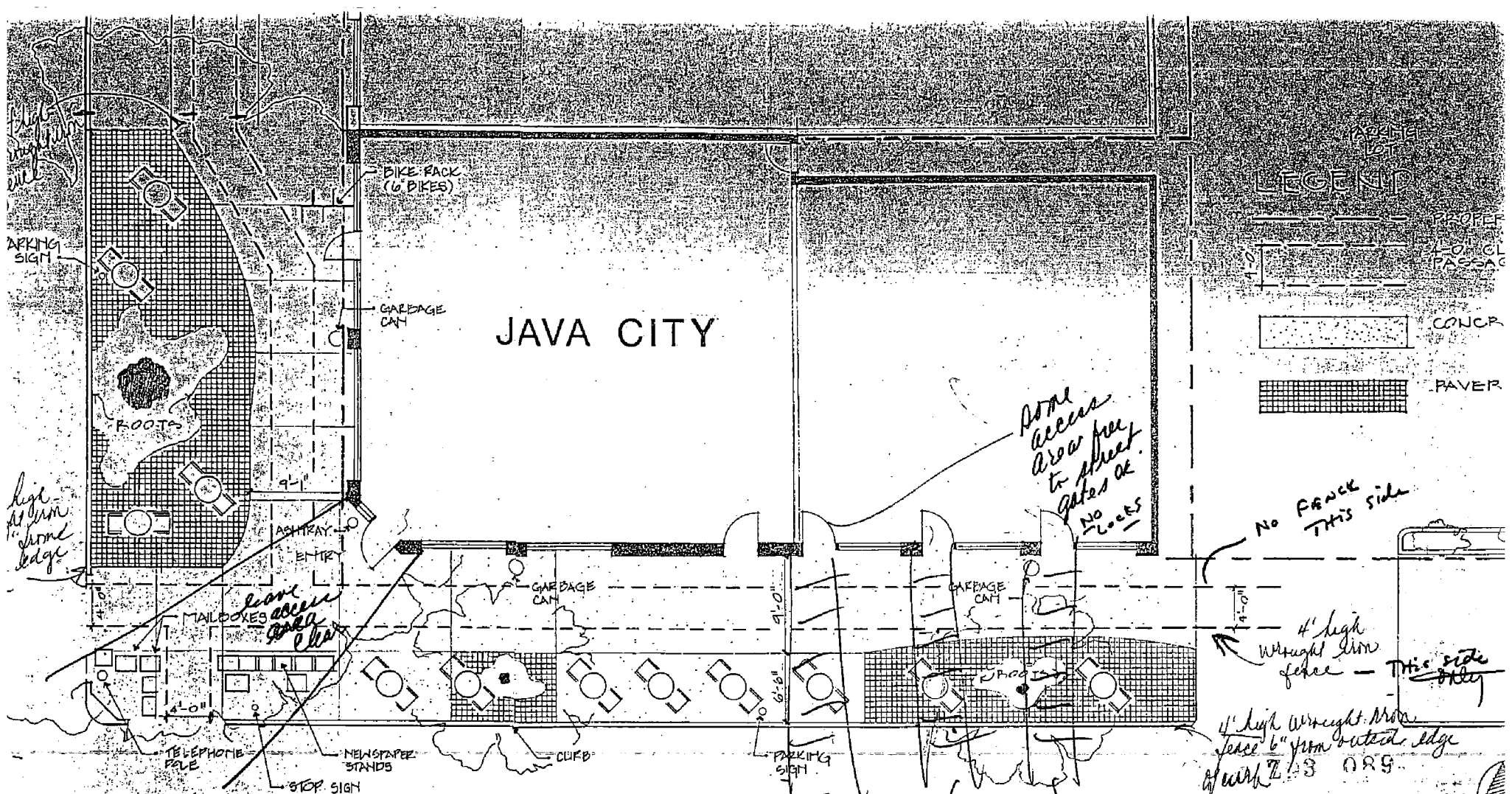
13.  
30 out  
40 in

you guests  
COPY BUTTER  
RICHARD GORE

JAVA CITY

Margaret Jane  
Pauline Valentine  
Clement Prunty  
Kun Hattun  
John P. Sharp  
Doris A. Simpson  
Dorothy Miller  
Frankie Campbell  
Willie A. Campbell  
Michelle Wilson  
MAURIE ALMEIDA  
Richard Smith  
Earl Payne  
Fred Herring  
Stacy Ann

cap. Thomas  
cap. Terence  
Capitol Terrace  
1808 Capitol (over your head)  
1820 Capitol Ave.  
1820 Capitol Ave.  
1820 Capitol Ave.  
1820 Capitol Ave.  
1820 Capitol Ave.  
1805 N 5th St 95814  
1820 Capitol Ave 95814  
OWNER 1503 Capitol  
1818 N St



**JAVA CITY SIDEWALK SEATING PLAN**  
 1600 CAPITOL AVENUE

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

RECEIVED  
 OCT 22 1993

CLEAR ACCESS TO  
 DOORWAYS  
 MUST HAVE NON LOCKING GATE ON STREET SIDE  
 Do not block

CITY OF SACRAMENTO  
 CITY PLANNING DIVISION

Exhibit F  
 Fire Dept.  
 Comments

1 of 2



DEPARTMENT OF  
POLICE

CITY OF SACRAMENTO  
CALIFORNIA

HALL OF JUSTICE  
813 SIXTH STREET  
SACRAMENTO, CA  
95814-2495

ARTURO VENEGAS, JR.  
CHIEF OF POLICE

January 4, 1994

PH 916-264-5121

YCS 1-10

**M E M O R A N D U M**

**TO:           JEANNE CORCORAN  
              CITY PLANNING DIVISION**

**FROM:       ALBERT NAJERA, DEPUTY CHIEF  
              OFFICE OF OPERATIONS**

**SUBJECT:    SPECIAL PERMIT REQUEST FOR JAVA CITY (Z93-089)**

After reviewing the above request and receiving comments from the Area Patrol Supervisors, we are requesting the following items be made conditions for approval of the permit:

1. A readily identifiable employee shall be stationed in the outside seating area during business hours to insure compliance with the conditions of this permit.
2. No entertainment or amplified sound of any type is to be permitted at the site. This includes impromptu performances by street musicians and other persons.
3. No seating is to be permitted in the areas identified in the applicant's seating plan as a "clear passage" zone.
4. At the discretion of the area commander after consultation with the applicant or his representative, the applicant may be required to station a uniformed security officer in the outside seating area. The uniformed security officer may be used in place of the employee mentioned in item one.

293-089

2-15-94


ITEM No 1

MEMORANDUM

Jeanne Corcoran  
January 4, 1994  
Page 2

ADDITIONAL TO VTO  
If there are any questions regarding these conditions, please contact the environmental planning coordinator, Officer Jim Barclay, at 264-5731.

GENERAL

  
ALBERT NAJERA, DEPUTY CHIEF  
Office of Operations

AN:mw