

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

ACTION OF THE ZONING ADMINISTRATOR

On Wednesday, January 21, 2004, the Zoning Administrator approved with conditions a special permit and issued an encroachment permit for a sidewalk café in the General Commercial (C-2) zone for the project known as (File Z03-361). Findings of Fact and conditions of approval for the project are listed on pages 3-4.

Project Information

Request:

1. **Zoning Administrator Special Permit** for a sidewalk café in the General Commercial (C-2) zone.
2. **Zoning Administrator Encroachment Permit** for a sidewalk café in the General Commercial (C-2) zone.

Location: 2007 K Street (D3, Area 1)

Assessor's Parcel Number: 007-0085-011

Applicant: Darryl Chin Architects {Contact: Darryl Chin}
2612 J Street #2
Sacramento, CA 95816

Property Owner: Western Pacific Depot
2001 K Street
Sacramento, CA 95814

Project Planner: Lindsey Alagozian

General Plan Designation: Community/Neighborhood Commercial & Offices
Central City General Commercial
Existing Land Use of Site: Restaurant and Retail
Existing Zoning of Site: General Commercial (C-2)

Surrounding Land Use and Zoning:

North: C-2-MC; Office
South: C-2; Office and Commercial
East: C-2; Office
West: C-2; Commercial

Property Dimensions: 40 feet x 160 feet
Property Area: 0.14+ acres
Square Footage (sidewalk café): 160 sq. ft.
Height of Building: Two Stories

Hours of Operation: 11:00 AM to 2:00 AM
Number of Seats Outside: 8
Topography: Flat
Street Improvements: Existing
Utilities: Existing

Project Plans: See Exhibits A and B
Previous Files: DR03-045

Background Information: On March 28, 2003 Design Review staff approved entitlements for an exterior rehab of an existing commercial building in the Central City Design Review District. The project involved façade improvements to create a restaurant called Hot Rods. As part of the approval, Public Works issued an encroachment permit for a concrete walkway and ramp to be installed in the right-of-way in order for accessibility into the restaurant and the adjacent tenant space.

Additional Information The applicant is proposing to construct a sidewalk café that holds 8 seats for the existing restaurant called Hot Rods located at 2007 K Street along the south side of the building. The proposed sidewalk café will be located on the existing concrete walkway area immediately in front of the restaurant space. The required four feet of clear sidewalk space is provided. The sidewalk café will be approximately 160 square feet in size and will be open from 11:00 AM to 2:00 AM. Four tables and eight chairs are proposed on the walkway area with a minimum of 44" of clear space. The 44" space is required to be free and clear at all times in order to provide the necessary access into the building. A decorative railing was previously approved as part of the Design Review of the walkway and ramp and will be utilized as part of the sidewalk café. In order to construct a sidewalk café in the General Commercial zone, a Zoning Administrator Special Permit and Encroachment Permit is required.

Agency Comments The proposed project has been reviewed by Public Works, the ADA Coordinator, Utilities, Police, Fire, and the Building Division. These departments submitted recommended conditions of approval. The project was noticed and the site was posted, but staff did not receive any other comments or concerns.

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 15301(e), Existing Facilities.

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 Hot Rods; whose address is as follows: 2007 K Street, Sacramento, CA; 95816

This encroachment permit for the north side of K Street, between 20th Street and 21st Street, is described as follows:

An area 8 feet wide by approximately 20 feet long adjacent to the building along K Street (Exhibit A).

Hot Rods has obtained a special permit for the sidewalk café located along the north side of the building through a previous planning process. 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 of Approval:

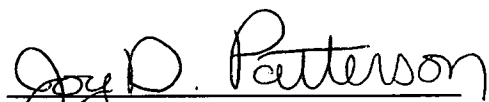
1. This Special Permit is for the use of a sidewalk café with a seating capacity of eight (8).
2. A clear pathway a minimum of 48 inches must be maintained at all times between the fence and all other structures or obstacles in the public right-of-way such as the edge of tree wells, parking meters, signs, etc. Path of travel shall be consistent with the plans (See Exhibit A).
3. The outdoor dining furniture shall be consistent with approved photos (See Exhibit B).
4. The business owner shall be responsible for ensuring a minimum of 44" clear aisle is maintained during business hours and special events.
5. Tables and chairs shall be arranged to provide a continuous and unobstructed path of travel per UBC Section 1001.1.
6. No public pay telephones shall be maintained on the exterior of the premises.
7. Project lighting shall be provided as follows: .25 footcandles of minimum maintained illumination per square foot of surface on any walkway, alcove, passageway, etc. from one-half hour before dusk to one-half hour after dawn. All light fixtures shall be vandal-resistant.
8. The applicant shall be responsible for the daily removal of all litter generated by the business, from the subject site, adjacent properties, and streets.
9. The applicant shall agree to a "good neighbor policy". The good neighbor policy shall require that if any significant problems arise and the City receives complaints about the use, the City can commence with revocation hearings at the cost of the property owner.
10. 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.
11. The outdoor furniture shall be not block any exit and shall allow for handicap access and exiting space.
12. Decorative plantings shall be maintained so as not to obstruct or diminish lighting levels throughout the project.
13. All illegal activities observed on or around the business shall be promptly reported to the police.
14. When the sidewalk café area is not in use for seating and service, all removable fixtures (i.e., chairs, planters, etc.) shall be stored on the restaurant property.
15. Any heaters or umbrellas shall not encroach beyond the fenced area of the sidewalk café.
16. Signs shall be clearly posted and maintained on the premises prohibiting consumption of alcoholic beverages in the 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).

17. The applicant shall contact the Zoning Administrator's staff for a final inspection of the sidewalk café area to insure compliance with conditions of approval prior to operation of the sidewalk café area (contact Lindsey Alagozian, 808-2659).

Findings of Fact:

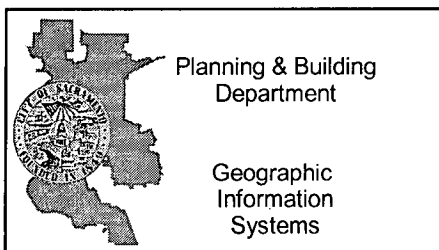
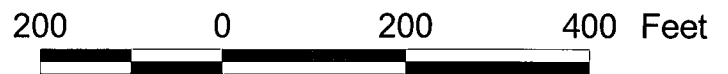
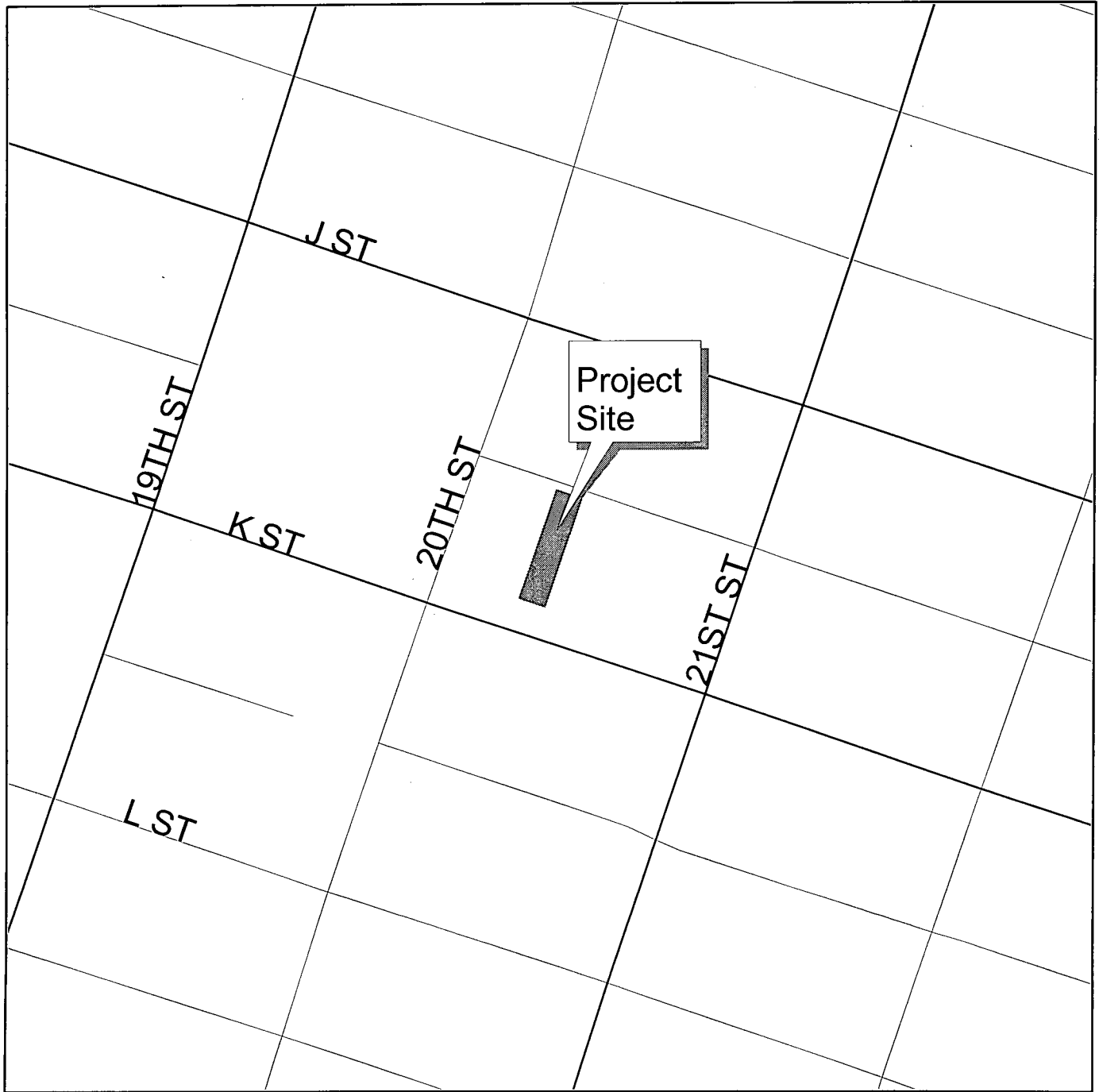
1. Granting the Special Permit is based upon sound principles of land use in that:
 - a. the project will not substantially alter the characteristics of the site or the surrounding neighborhood; and
 - b. the project will be architecturally consistent with the site and the surrounding development.
 - c. the project is consistent with the city's policy to encourage outdoor dining.
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. the project will be comply with the city's zoning and building codes; and
 - b. the project will include decorative fencing in order to ensure patrons remain in the sidewalk café while consuming alcohol; and
 - c. the required pedestrian path of travel will be maintained with the addition of the sidewalk café.
3. The project is consistent with the General Plan which designates the site as Community/Neighborhood Commercial & Offices and General Commercial, respectively.


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.

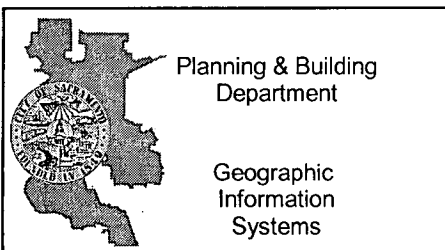
The decision of the Zoning Administrator may be appealed to the Planning Commission. An appeal must be filed within 10 days of the Zoning Administrator's hearing. If an appeal is not filed, the action of the Zoning Administrator is final.

cc: File (original) ZA Log Book Applicant Property Owner



Vicinity Map





Land Use & Zoning

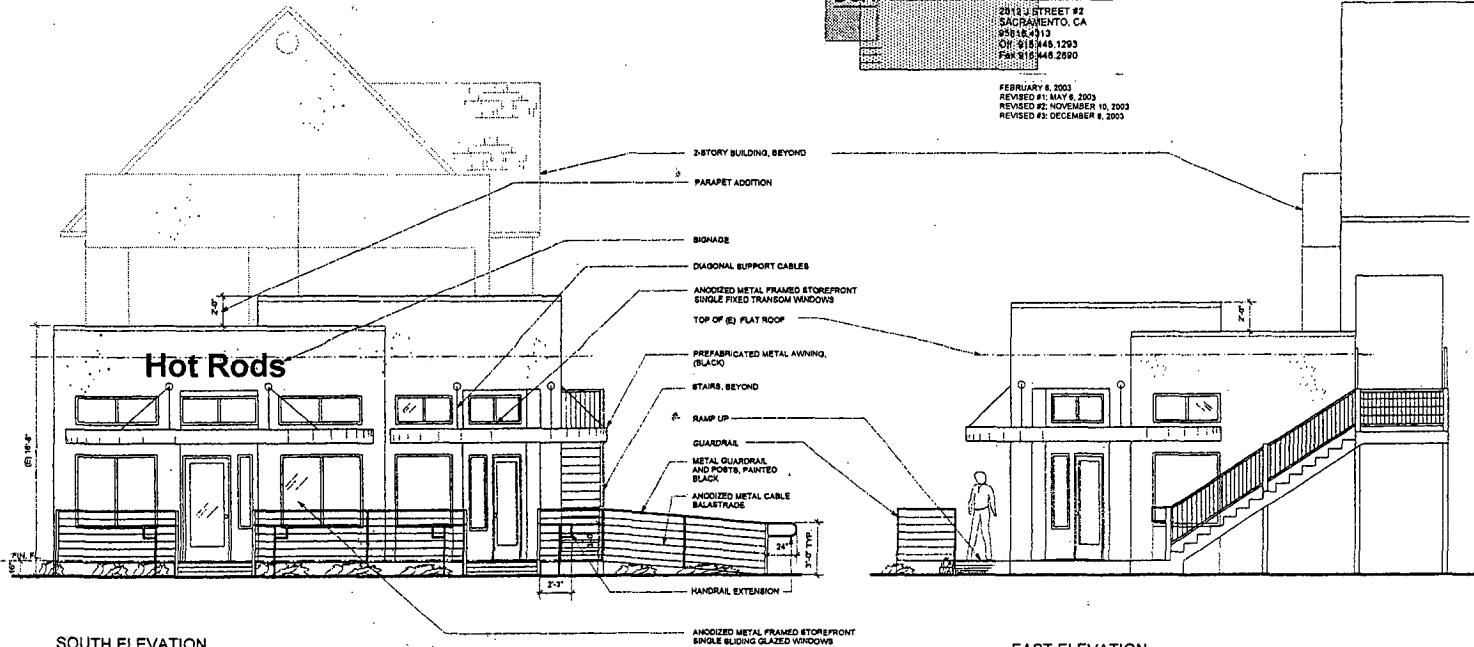


Patio Improvement
 2007 K Street
 Sacramento, California 95814

DCA DARRYL CHINN ARCHITECTS
 2013 J STREET #2
 SACRAMENTO, CA
 95818-4913
 OFF: 916.446.1293
 FAX: 916.446.2690

FEBRUARY 8, 2003
 REVISED #1: MAY 6, 2003
 REVISED #2: NOVEMBER 10, 2003
 REVISED #3: DECEMBER 8, 2003

EXHIBIT A

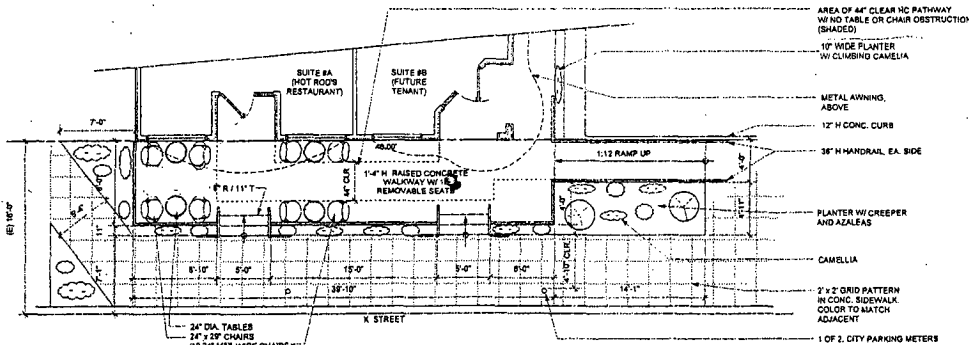


SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

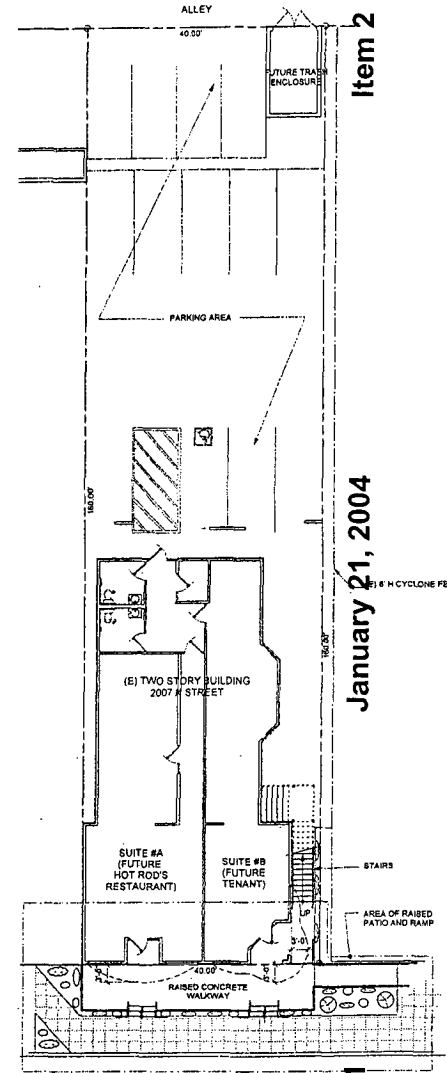
EAST ELEVATION

SCALE: 1/4" = 1'-0"



PATIO PLAN

SCALE: 3/16" = 1'-0"



REFERENCE SITE AND FLOOR PLAN

SCALE: 1" = 10'-0"

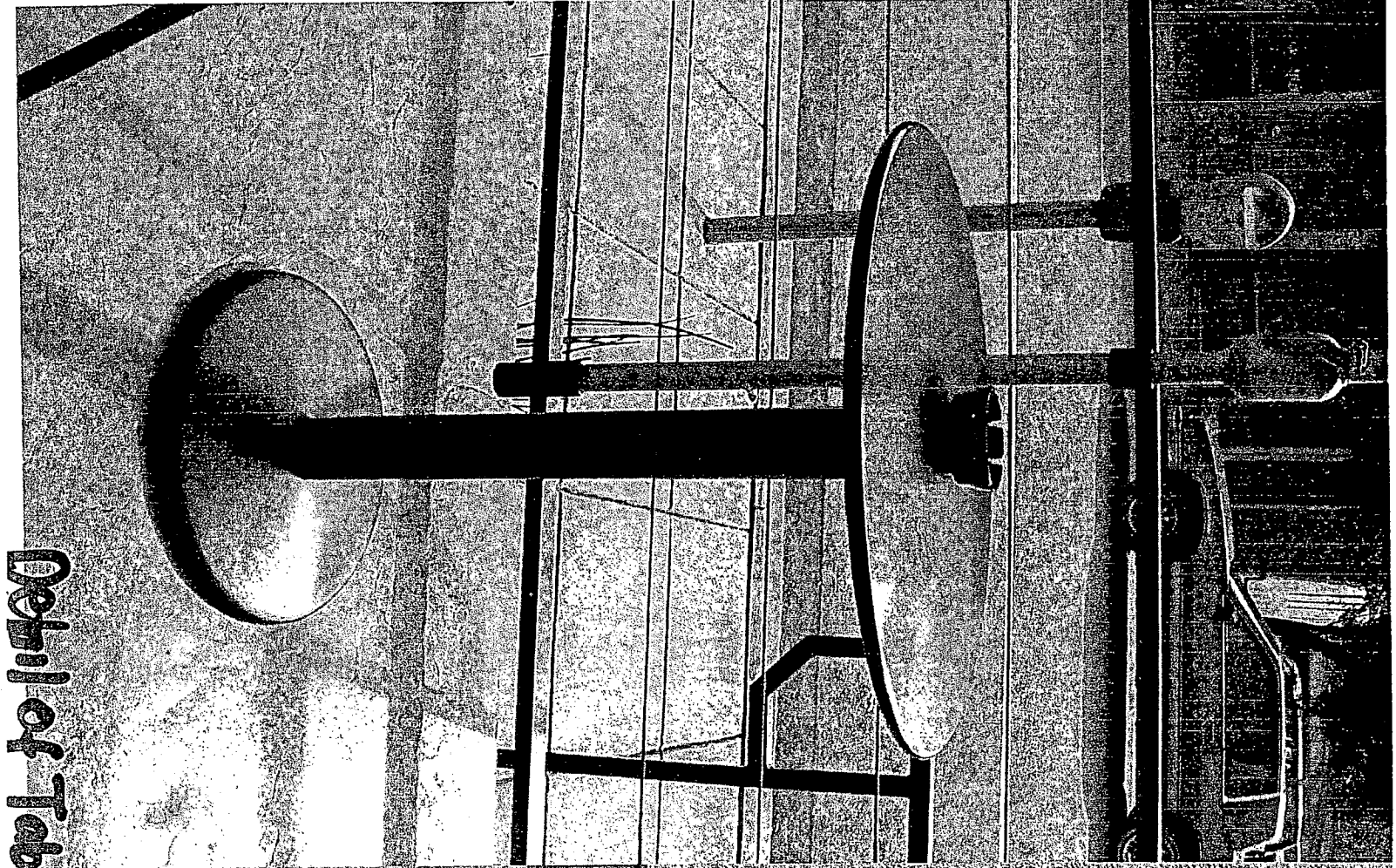
Item 2

January 21, 2004

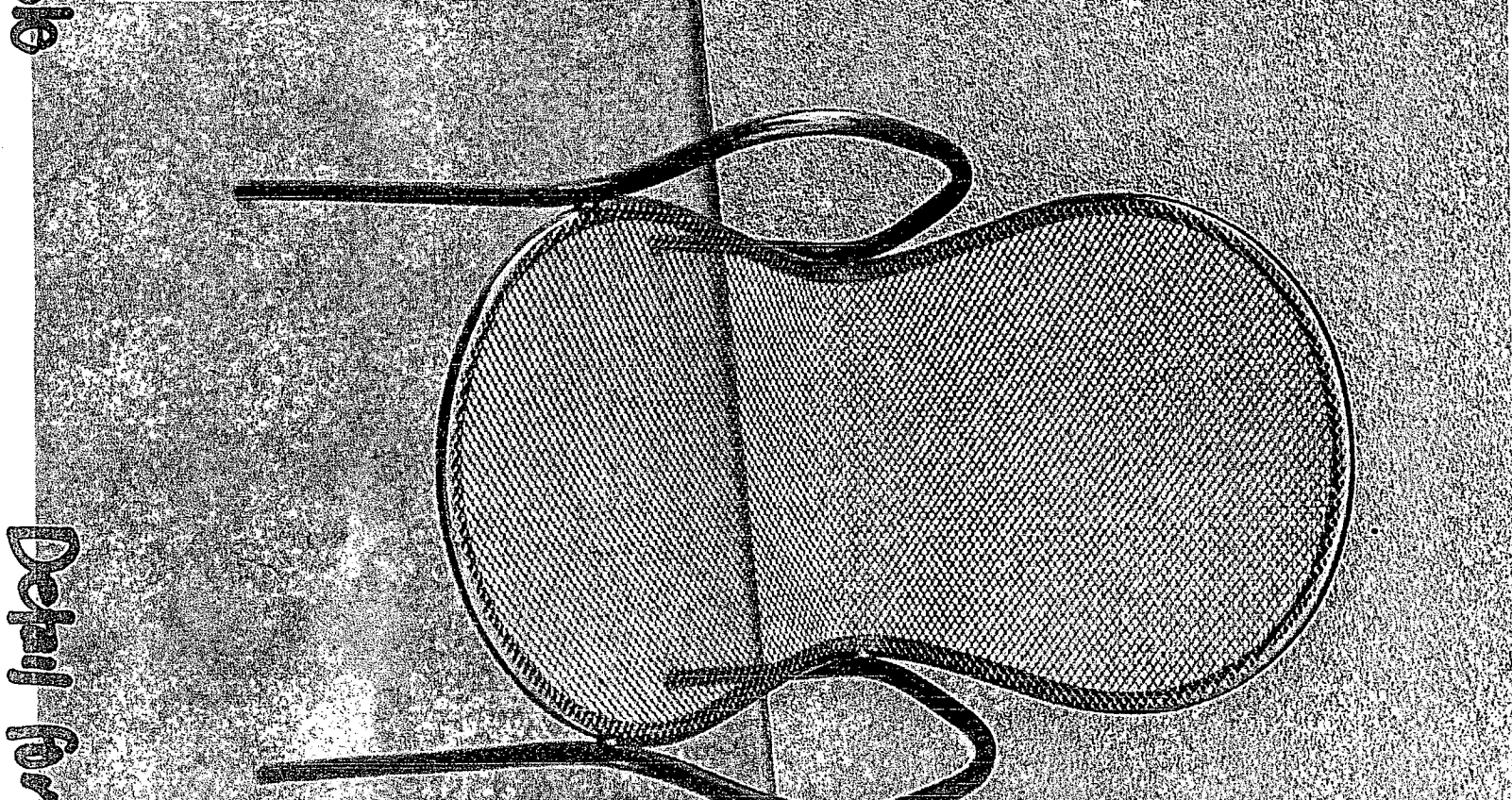
Z03-361

REVISED

EXHIBIT B



Detail of Table



Detail for Chair

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