

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

ACTION OF THE ZONING ADMINISTRATOR

On Tuesday, May 29, 1996, the Zoning Administrator approved with conditions, a special permit to operate a sidewalk cafe in the public right-of-way for the project known as Z96-040. Findings of Fact and conditions of approval for the project are listed on pages 2-5.

Project Information

Request: Zoning Administrator Special Permit for a sidewalk cafe in the General Commercial-Review, Special Planning District (C-2-R)(SPD) and Standard Single Family, Special Planning District (R-1)(SPD) zone.

Location: 3301 Folsom Boulevard (D3; Area 1)

Assessor's Parcel Number: 007-0223-016

Applicant: 33rd Street Bistro (Fred Haines) 3301 Folsom Boulevard Sacramento, CA 95816	Property Owner:	Gary and Linda Nibelink 4032 Cayente Way Sacramento, CA 95864
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General Plan Designation: Community Neighborhood Commercial and Offices
Existing Land Use of Site: Commercial
Existing Zoning of Site: General Commercial-Review/ Standard Single Family (C-2-R)(R-1)(SPD)

Surrounding Land Use and Zoning:
North: R-1; Single Family
South: C-2 (SPD); Commercial
East: C-2-R (SPD); Commercial
West: C-2-R (SPD); Commercial

Property Dimensions: Irregular (Sidewalk)
Property Area: 0.46 \pm acres
Parking Required: 0
Parking Provided: 0
Topography: Flat

Z96-040

May 29, 1996

ITEM 3

Street Improvements: Existing
Utilities: Existing

Project Plans: See Exhibits A-C

Previous Files: P87-064

Background Information On February 26, 1987, the Planning Commission approved a parcel merger and a special permit to allow parking in a R-1 zone (P87-064).

Additional Information: The applicant proposes to locate nine tables with 28 seats for a restaurant (33rd Street Bistro) along the sidewalk adjacent to the east side of 33rd Street and adjacent to the building in front of their tenant space along the north side of Folsom Boulevard. The site is located at the northeast corner of 33rd Street and Folsom Boulevard. The proposed seating area adjacent to the building along Folsom Boulevard will be enclosed by a three foot high wrought iron fence and will have five tables that seat four each. The area will be 45 feet long by eight feet wide. Each end of the fence will be secured by planter boxes (four total). The proposed seating area along 33rd Street is not along the applicant's tenant space and is not enclosed by a fence so it does not meet the requirements of the Zoning Ordinance and City Code for outdoor seating in the public right-of-way that will include the serving of alcoholic beverages. The outdoor seating will be located in the public right-of-way and requires a Special Permit. No additional parking is required for seats in the public right-of-way.

The site is located within the East Sacramento Improvement Association (ESIA) area. The proposed plans have been submitted to the neighborhood association and no comments have been received. The project has been noticed and staff received one call requesting clarification of the entitlement. Once staff explained the project, the caller had no concerns.

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 15305(b)}.

Agency Comments

The proposed project has been reviewed by the various City Departments. Their comments have been included as conditions of approval.

Conditions of Approval

1. If the proposed planter boxes are constructed out of wood then the facade shall have a solid piece of wood with no groves. The proposed planter boxes shall be

reviewed and approved by Design Review staff if the design changes (cement is acceptable). The boxes shall be maintained with live plants and/or flowers.

2. The proposed seating area along 33rd Street shall be eliminated. The fence shall be installed per the plans. The fence shall be painted either black or white.
3. The sidewalk cafe seating shall not hinder the maintenance of any existing street lighting, traffic signal, or fire alarm equipment or the placement of any proposed future equipment. The applicant shall comply with the following requirements.
 - a. The existing electrical equipment at the location of the proposed sidewalk cafe should not be under any aboveground planter, table, chair, fence, etc.;
 - b. The City's Street Lighting, Traffic Signal, and Fire Alarm Maintenance personnel shall have easy access to any aboveground or underground equipment at all times for repair or maintenance;
 - c. Should the City decide to install any electrical equipment, the cafe owner shall move any fence, table, chair, aboveground planter placed by the owner to allow the City or its representative to do the work. The relocation of these items will be at the owners' expense. The City or its representative will attempt to coordinate with cafe owner and to work around anything as much as possible;
 - d. Any fence around the sidewalk cafe cannot obstruct the visibility of any traffic signal head, pedestrian signal head, or fire alarm pedestal;
 - e. Show all the existing aboveground electrical facilities that will be within the sidewalk cafe area in relation to any chair, table, fence, aboveground planter, etc.; and
 - f. No signs, restaurant equipment, or other materials related to the sidewalk cafe are to be attached by chains, ropes, etc. or connected in any way to any street light, traffic signal, or fire alarm equipment.
4. The applicant shall use the furniture as submitted in the plans or resubmit new proposed table and chairs for Design Review staff review and approval.
5. No lights or signs shall be attached to or hung from the trees located in the sidewalk area.
6. The applicant/property owner is responsible for any required repairs to the sidewalk due to the sidewalk cafe use.
7. No live music, amplified music or sound system shall be installed or be audible in the sidewalk area.

8. If the applicant wishes to serve alcohol beverages, service is to be limited to the fenced areas immediately adjoining the south entrance of the building. Alcohol service shall be limited to this enclosed area only subject to the following:
 - a. Sale of alcoholic beverages for consumption off of the premises is prohibited.
9. Signs shall be clearly posted and maintained on the premises prohibiting consumption for alcoholic beverages in this 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)**

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. Hours of operation of the sidewalk dining area shall not exceed 7:00 a.m. to 11:00 a.m. When the sidewalk area is not in use for seating and service, all removable fixtures (i.e. chairs, planters, etc.) shall be stored on the restaurant property (within the confines of the building).
12. None of the furniture shall block any exit. The area outside of the enclosed (fenced) area shall be kept free and clear of tables and chairs.
13. All illegal activities observed on or around the business shall be promptly reported to the police.
14. The 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 the establishment shall be responsible for keeping this area clean of trash generated by the restaurant/sidewalk cafe use.
15. 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.
16. The applicant shall contact the Zoning Administrator's staff for a final inspection of the sidewalk cafe area to insure compliance with conditions of approval prior to operation of the sidewalk cafe area (contact Sandra Yope, 264-7158).

Findings of Fact:

1. The proposed project, as conditioned, is based upon sound principles of land use in that sidewalk cafes allow for more people and activity on the streets.
2. The project will not be detrimental to the public health, safety, or welfare nor result in a nuisance in that:
 - a. adequate sidewalk area will be provided for pedestrians; and
 - b. the surrounding area will be monitored for trash and kept clean.
3. The project is consistent with the General Plan designation which designate the subject site as Community Neighborhood Commercial.

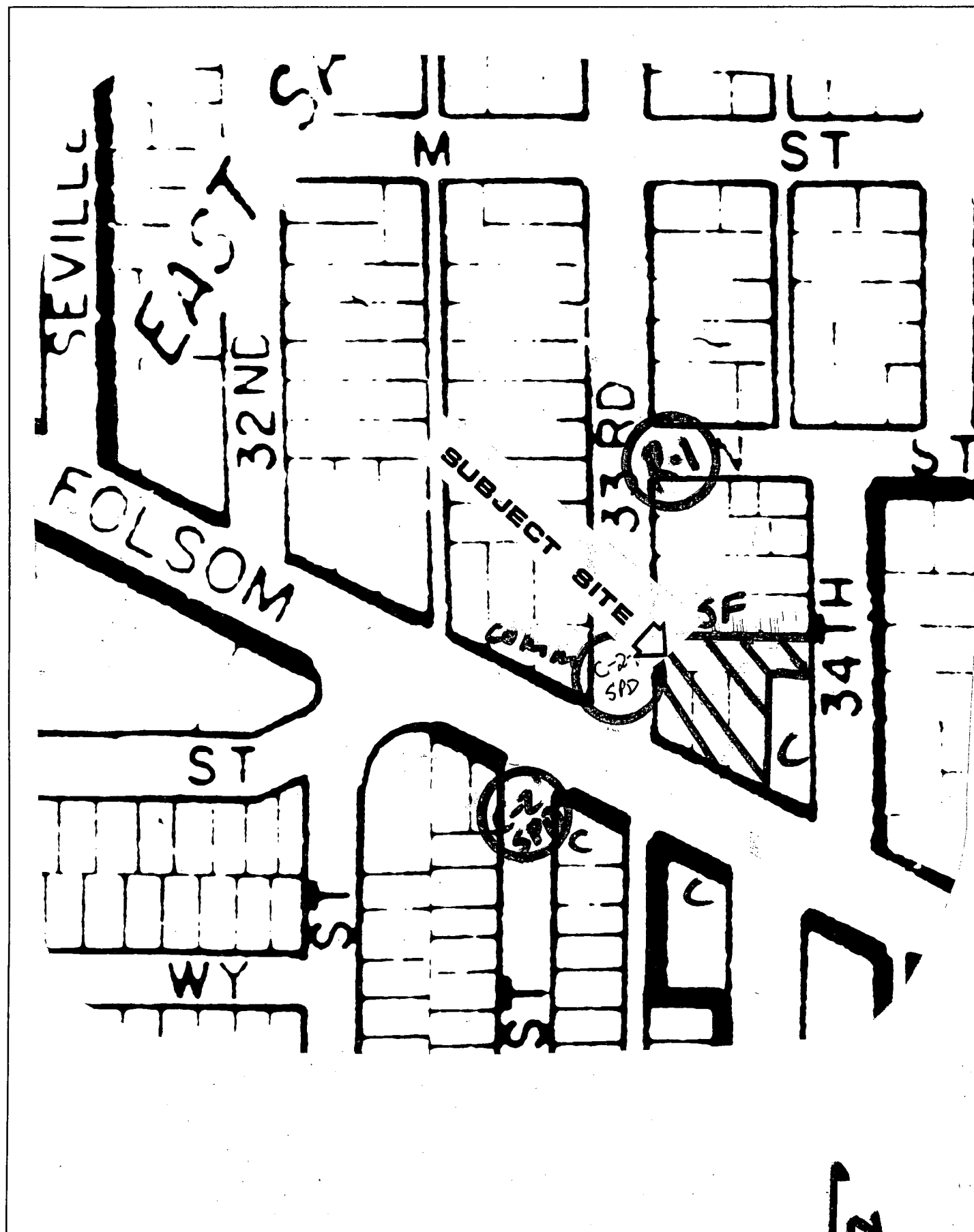
Joy D. Patterson

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.

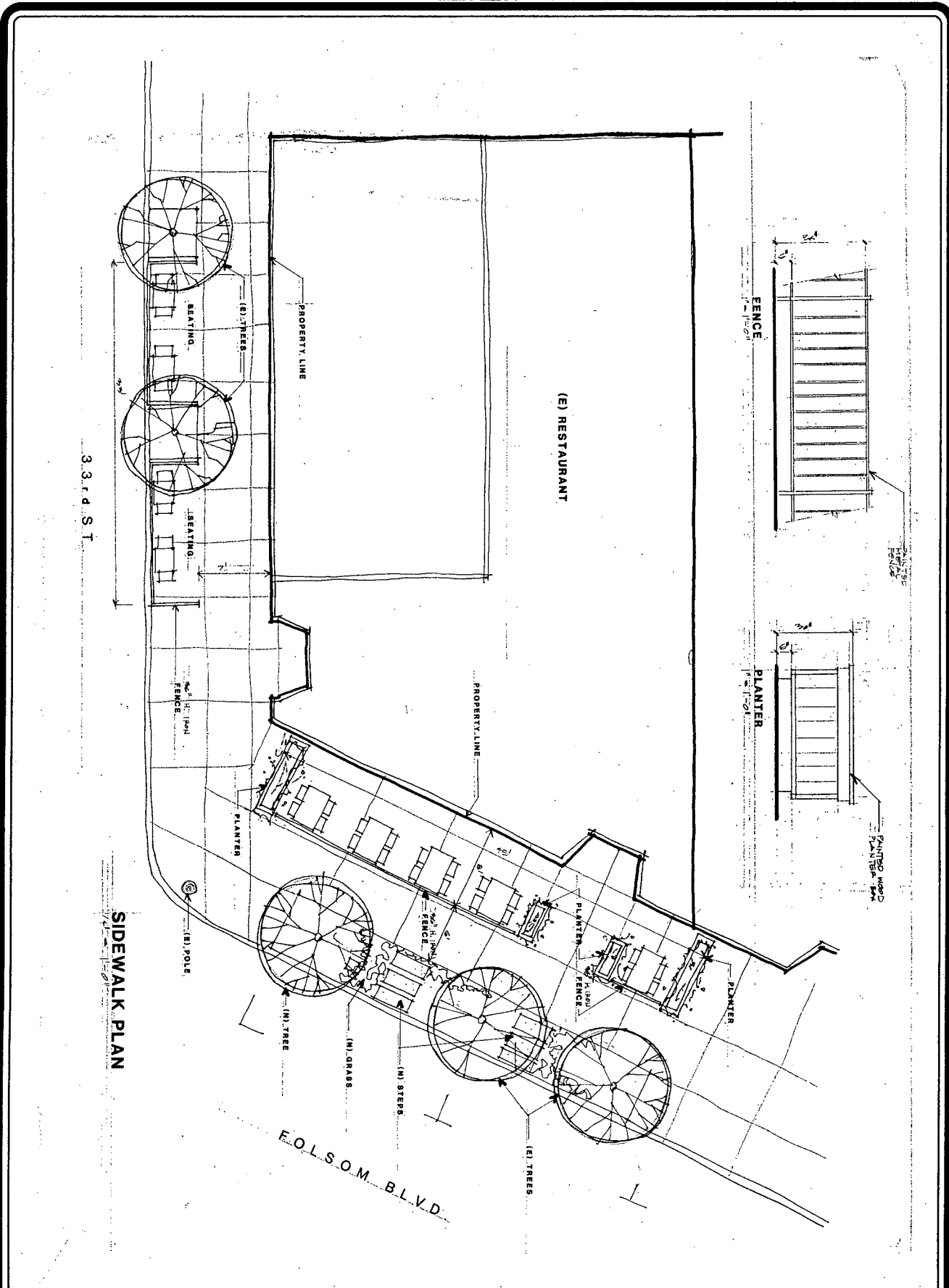
The decision of the Zoning Administrator may be appealed to the Planning Commission. An appeal must be filed within 10 days of the Zoning Administrator's hearing. If an appeal is not filed, the action of the Zoning Administrator is final.

cc: >File
>Applicant
>ZA Log Book
>Reso. Book



LAND USE & ZONING MAP

EXHIBIT B



These drawings and specifications are the property and copyright of the architect and shall not be used on any other work except by agreement with the architect. Written dimensions take preference over scaled dimensions and shall be verified on the job site. Any discrepancy shall be brought to the notice of the architect prior to the commencement of any work.

Job No.	
Drawing No.	
Drawn By	
Checked By	
Date	
Scale	
Revision No.	
Sheet	A2

33rd STREET BISTRO

JAMES PLUMB ASSOCIATES
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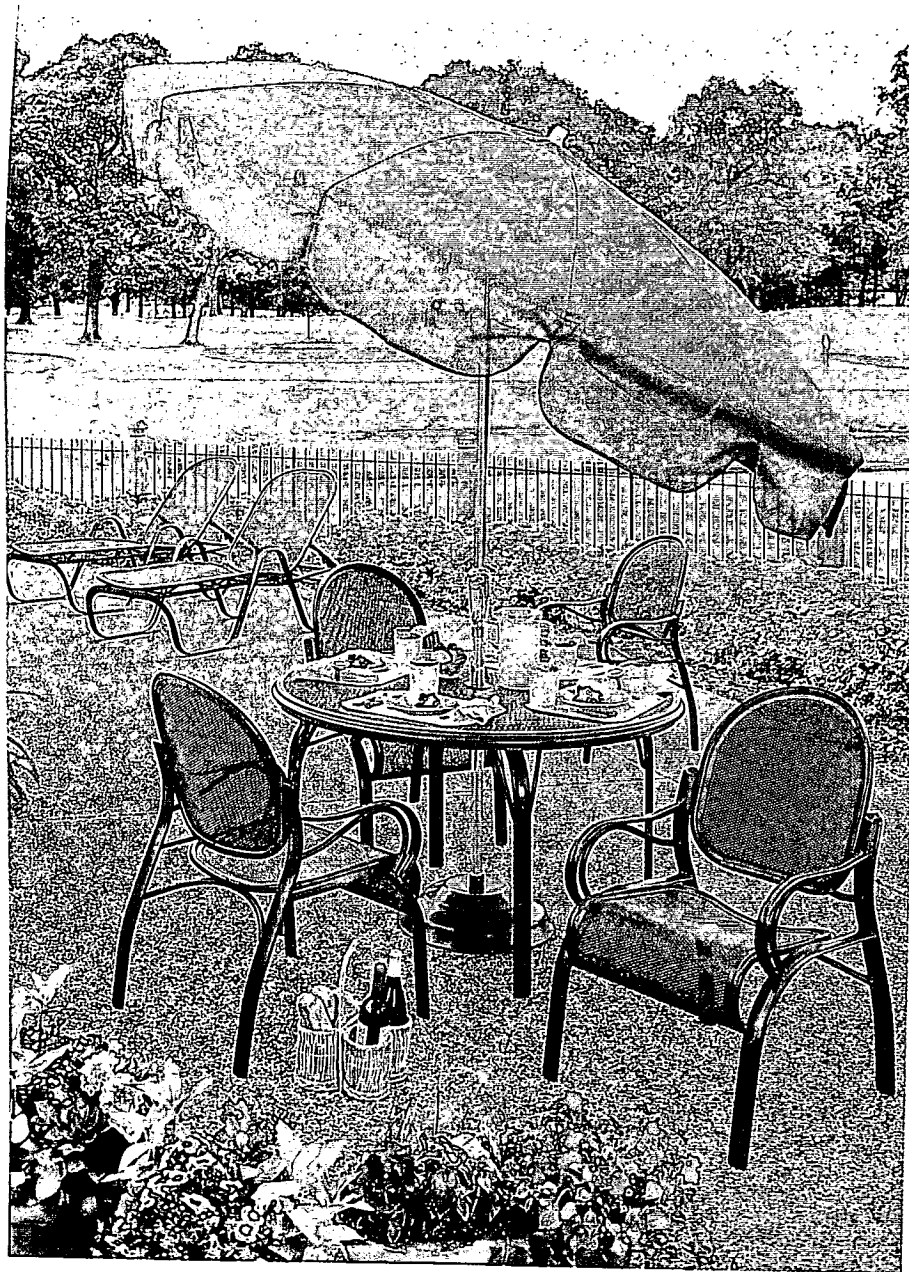
No.	Date	Revised	By

296-040

MAY 24, 1992

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EXHIBIT C



FURNITURE

296-040

MAY 29, 1996

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