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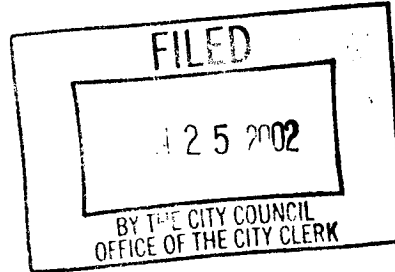
**OFFICE OF THE  
CITY CLERK**

VALERIE A. BURROWES, MMC  
CITY CLERK

VIRGINIA K. HENRY, CMC  
ASSISTANT CITY CLERK

TERESA FAHNING  
CHIEF DEPUTY CITY CLERK

**CITY OF SACRAMENTO  
CALIFORNIA**



CITY HALL  
915 I STREET  
ROOM 304  
SACRAMENTO, CA  
95814-2671

FAX 916-264-7672

ADMINISTRATION  
PH 916-264-5799

OPERATIONS SERVICES  
PH 916-264-5427

SPECIALIZED SERVICES  
PH 916-264-7200

[WWW.CITYOFSACRAMENTO.ORG](http://WWW.CITYOFSACRAMENTO.ORG)

June 25, 2002

City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT:** Appeal of Jose Ramirez, dba Jose's Hideaway, of the decision of the Revenue Manager regarding the denial of a dance permit, pursuant to City Code 5.108.280

**LOCATION AND COUNCIL DISTRICT:**

The subject address is **Jose's Hideaway, 2200 Northgate Boulevard, Sacramento CA 95833**  
District 1

**STAFF RECOMMENDATION:** This report is for information only.

**CONTACT PERSON:** Carolyn E. Hoover, 264-7200  
Valerie A. Burrowes, 264-5799

**FOR COUNCIL MEETING OF:** **June 25, 2002**

**SUMMARY:**

On April 19, 2002 the City Clerk determined the appeal may involve a lengthy fact finding process which would be more appropriately accommodated by a formal hearing before a hearing officer. The hearing for this appeal has been scheduled to be held on **July 10-11, 2002, at the McGeorge School of Law, 3455 Fifth Avenue, Sacramento, California, 95817, at 9:00 a.m. in Rooms S9 & S10.**

COMMITTEE/COMMISSION ACTION: None

BACKGROUND INFORMATION:

Pursuant to City Code Chapter 5.108.370, attached is the appeal of Mr. Jose Ramirez of the Decision of the Revenue Manager relative to the denial of the dance permit requested by Mr. Ramirez, dba Jose's Hideaway, located at 2200 Northgate. Denial of the dance permit is based on the history of numerous calls for Police services at the business location that have been generated by both concerned citizens and Police officers. It is the Revenue Manager's judgement that to grant a dance permit at Jose's Hideaway would result in and generate disturbances and public nuisance for the surrounding neighborhood.

FINANCIAL CONSIDERATIONS:

The estimated cost is \$2500 and the funds are available from the Department of Finance/Revenue Division budget.

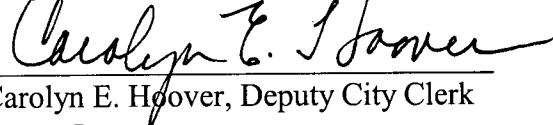
POLICY CONSIDERATIONS:

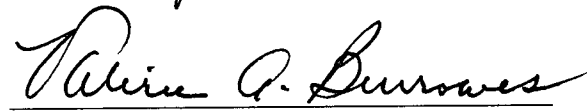
The current policy regarding administrative appeals is consistent with procedures specified in the Sacramento City Code.

ESBD CONSIDERATIONS:

Not applicable.

Respectfully submitted,

  
Carolyn E. Hoover, Deputy City Clerk

  
Valerie A. Burrowes, City Clerk

Attachment

cc: Hearing Officer, McGeorge School of Law  
Deputy City Attorney Michon Johnson  
Margaret L. Freeman, Revenue Manager  
File



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June 13, 2002

Mr. Jose Ramirez  
2200 Northgate Boulevard  
Sacramento CA 95833

**SUBJECT: ADMINISTRATIVE APPEAL HEARING**

Dear Mr. Ramirez:

In accordance with Chapter 1.24.060 of the Sacramento City Code, it has been determined that your appeal regarding the denial of a Dance Permit Application for Jose's Hideaway by the Department of Finance, Revenue Division will involve a lengthy fact finding process and has been scheduled for a formal hearing before a hearing officer.

Your appeal will be heard on **Wednesday, July 10, 2002 and Thursday, July 11, 2002 at the hour of 9:00 a.m. at McGeorge School of Law, 3455 Fifth Avenue, Sacramento CA 95817, in Room S9-10.** You have the right to bring an attorney or other representative to assist you at the hearing.

Under Chapter 1.24.090 of the Sacramento City Code, the decision of the Hearing Officer is final and no appeal may be taken to the City Council. If you have any questions concerning this matter, you may call me at 264-7200.

Sincerely,

Carolyn E. Hoover  
Deputy City Clerk

cc: Hearing Officer, McGeorge School of Law  
Michon Johnson, Deputy City Attorney  
Margaret Freeman, Revenue Manager  
File



RECEIVED  
CITY CLERK'S OFFICE  
APR 19 2 22 PM '02

NOTICE OF APPEAL  
PLEASE PRINT

DATE: 04/19/02

Review manager  
Dave

Pursuant to Section 2.320, City Code, I wish to appeal the decision of  
made on 04/09/02 regarding DENIAL OF DANCE PERMIT required  
by \_\_\_\_\_ City Code.

MY REASON FOR APPEALING IS AS FOLLOWS:

Base on my existing permit it is still  
good we HAVE NO ENTERTAINMENT ON THE  
area & employ 10 people which will  
be out of work if permit not granted.  
Reasons from police Department are Hard

NAME: JOSE Ramirez

ADDRESS: 2200-NORTHGATE BLVD

CITY: SACRAMENTO STATE CA ZIP 95833

TELEPHONE NUMBER: 916-439-2540 - 916-925-2955

SIGNATURE: Jose Ramirez



DEPARTMENT OF  
FINANCE

PERMIT DIVISION

CITY OF SACRAMENTO  
CALIFORNIA

April 9, 2002  
RA02031:MLF:ljc

CITY HALL  
ROOM 104  
915 I STREET  
SACRAMENTO, CA  
95814-2696

REVENUE  
ADMINISTRATION  
916-264-5724

Mr. Jose Ramirez  
2200 Northgate Blvd.  
Sacramento, CA 95833

**Re: Dance Permit Application for Jose's Hideaway - 2200 Northgate Boulevard**

Dear Mr. Ramirez:

This letter is your formal notification that your permit application for a dance permit at 2200 Northgate Boulevard, Jose's Hideaway has been denied.

The decision to deny is based on the recommendation of the Sacramento Police Department as follows:

Based on Mr. Ramirez's operation of Jose's Hideaway at 2200 Northgate Boulevard, it is concluded that allowing dance/dancing events at the location would result in numerous calls for Police services and generate disturbances and public nuisance for the surrounding neighborhood. Between January 1, 2001 and September 30, 2001, there was a total of 43 calls for police service at 2200 Northgate Boulevard. There were 36 calls for service initiated by citizens and seven officer initiated calls. The majority of the calls were for assault or disturbances and one disturbance involved a weapon.

Based on Mr. Ramirez's operation of Jose's Hideaway, it is determined that granting a dance permit would not be in the best interest of the surrounding neighborhood, might tend to cause a police problem and create a public nuisance and would be contrary to the public interest.

The permit requirements for the Planning Department and Fire Department were met.

In accordance with Sacramento City Code Section 5.108.280, you may appeal the decision to the City Council by filing a written notice with the City Clerk. The appeal must be filed with the City Clerk, 915 I Street, Room 304, accompanied by a \$250.00 appeal fee, no later than ten (10) days after the date of this letter. A copy of the applicable City Code is attached.

Jose Ramirez  
April 9, 2002  
Page 2

If you have any questions, you may contact me at 264-5724.

Sincerely,

A handwritten signature in cursive script that reads "Margaret L. Freeman".

Margaret L. Freeman  
Revenue Manager

Attachments

c: Sherri Scruggs, Sacramento Police Department  
Valerie Burrows, City Clerk

tion of any permit required by Sections 5.108.010, 5.108.050, 5.108.090 or 5.108.130 of this chapter. (Prior code § 13.05.090)

**5.108.250 Application for permit.**

All applications for permits shall be filed with the city clerk on such forms as he or she may prescribe and shall contain such information as the city manager shall deem necessary for the proper processing of the application. (Prior code § 13.05.095)

**5.108.260 Fees.**

Every application for a permit shall be accompanied by a nonrefundable application fee as established by resolution of the city council. This application fee shall be in addition to any other business license fee or permit fee imposed by this code. (Prior code § 13.05.100)

**5.108.270 Investigation of application and issuance of permit.**

The city manager shall cause such investigation of the application to be made as he or she deems necessary and shall thereafter approve the issuance of such proposed permit unless he or she finds that the activity for which the permit is requested will violate any law of the state or any ordinance of the city, or will constitute a menace to the health, peace, morals, safety or welfare of the community or neighborhood in which the activity is proposed to be conducted, or that the character, reputation, and moral fitness of those in charge of such activity is such that it is probable that the activity will not be conducted in accordance with law. In granting the permit the city manager may impose such conditions as he or she deems reasonable or necessary to protect the health, peace, morals, safety or welfare of the community or the neighborhood in which the proposed activity is to be conducted. (Prior code § 13.05.110)

**5.108.280 Referral of application to council.**

Notwithstanding the provisions of Section 5.108.270 of this chapter, the city manager in his or her discretion may refer to the city council the application for a permit. In addition, any applicant aggrieved by the decision of the city manager relating to the issuance or denial of a permit, may within ten (10) days after the decision is made by the city manager, appeal such decision to the city council by the filing of a written notice thereof with the city clerk. (Prior code § 13.05.115)

**5.108.290 Granting or denial of permit.**

Upon referral or appeal to the city council, the permit

requested may be granted or denied by the council without a public hearing unless such hearing is recommended by the city manager, requested by the applicant, or requested by the council. If the permit is granted or denied without a public hearing, the provisions of Sections 5.108.340 and 5.108.350 of this chapter shall apply to such council action. (Prior code § 13.05.120)

**5.108.300 Posting notice of hearing.**

Notice of hearing shall be given by the posting of notice on the premises where the activity is to be conducted for a period of not less than five days prior to the date of the hearing. The form of notice shall be prescribed by the city manager. (Prior code § 13.05.125)

**5.108.310 Publication of notice of hearing.**

The city clerk shall publish notice of hearing once in the official newspaper of the city at least five days prior to the date of the hearing. The notice shall be in substantially the same form as the posted notice. (Prior code § 13.05.130)

**5.108.320 Additional notice.**

The city manager may give such additional notice of hearing as he or she deems appropriate in the particular case. (Prior code § 13.05.135)

**5.108.330 Conduct of hearing.**

At the date set for hearing, the council shall hear all competent testimony relating to the granting of the permit and continue the hearing to a fixed date. (Prior code § 13.05.140)

**5.108.340 Council action.**

The council may grant the permit subject to such conditions as it deems reasonable under the circumstances, or it may deny the issuance of the permit if it finds that the activity for which the permit is requested will violate any law of the state or any ordinance of the city, or constitute a menace to the health, peace, morals, safety or welfare of the community or neighborhood in which the activity is to be conducted, or that the character, reputation, or moral fitness of those in charge of such activity is such that it is probable that the activity will not be conducted in accordance with law. (Prior code § 13.05.145)

**5.108.350 Effect of denial.**

In the event an application for a permit is denied by the council either at the public hearing or without a public hearing, no application for a permit to conduct the proposed activity at the same location shall be considered by the city manager or the city council for a period of one year