

Meeting Date: 8/9/2016

Report Type: Staff/Discussion

Report ID: 2016-00832

Title: Ordinance Amending Sections 3.76.040, 5.88.040, 5.88.050, 5.88.060, 5.88.070, 9.04.055 of the Sacramento City Code Relating to Vending on Sidewalks and Boardwalks in Old Sacramento

Location: District 4

Recommendation: 1) Review an ordinance amending sections 3.76.040, 5.88.040, 5.88.050, 5.88.060, 5.88.070, and 9.04.055 of the Sacramento city code relating to vending on sidewalks and boardwalks in Old Sacramento; and 2) pass a Motion forwarding the ordinance to City Council for approval.

Contact: Bruce Monighan, Urban Design Manager, (916) 808-1241; Joy Patterson, Principal Planner (916) 808-5607, Community Development Department

Presenter: Bruce Monighan, Urban Design Manager, (916) 808-1241, Community Development Department

Department: Community Development Dept

Division: Current Planning

Dept ID: 21001221

Attachments:

1-Description/Analysis

2-Background

City Attorney Review

Approved as to Form

Maila Hansen

8/3/2016 11:14:50 AM

Approvals/Acknowledgements

Department Director or Designee: Candace Noguchi - 8/2/2016 1:33:07 PM

Description/Analysis

Issue: City Code section 5.88.070 currently states that “[n]o alcoholic beverages shall be sold or consumed on the sidewalk or boardwalk” in Old Sacramento. This alcohol prohibition is unique to Old Sacramento as sidewalk dining, including the sale and consumption of alcoholic beverages, is allowed on other city sidewalks, subject to the City’s revocable encroachment permit requirements and any other applicable requirements.

In response to requests from Old Sacramento business owners, staff is recommending that this alcohol prohibition be removed through an amendment of the City Code. The proposed ordinance would allow the sale and consumption of alcoholic beverages within sidewalk cafes on sidewalks and boardwalks in Old Sacramento, subject to the City’s encroachment permit process outlined in Section 3.76.040 and open container requirements outlined in Section 9.04.055. Pursuant to the requirements of Section 3.76.040, the sidewalk cafes would need to have a decorative element separating the sidewalk café seating area from adjacent pedestrian traffic. In addition, the proposed ordinance clarifies the Planning division’s role in approving design elements for Old Sacramento vending, aligns Old Sacramento with the City’s standard permitting processes, and it updates other outdated language regarding sidewalk and boardwalk vending in Old Sacramento.

Policy Considerations: This proposed ordinance brings Old Sacramento into alignment with other parts of the city with respect to sidewalk vending and dining, including the sale and consumption of alcoholic beverages in sidewalk café areas.

The proposed ordinance supports several goals and policies in the City’s 2035 General Plan, including:

- Creating a city of distinctive and memorable places (General Plan Land Use (LU) 2.4).
- Supporting cultural and entertainment centers (LU 5.1.3).
- Promoting the Central Business District as a regional center (LU 5.6.1).
- Providing for cultural and social facilities and services (LU 8.1).

Economic Impacts: None.

Environmental Considerations: This action is not a project subject to the California Environmental Quality Act (CEQA) because it only involves general policy and procedure making and it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment (CEQA Guidelines sections 15002(d), 15378(b)(2), 15061(b)(3).)

Sustainability: None.

Commission/Committee Action: None.

Rationale for Recommendation: Old Sacramento has a unique prohibition of the sale and consumption of alcoholic beverages on sidewalks and boardwalks that is not consistent with other parts of the city. Given the significance of Old Sacramento as a major tourist attraction, the continued growth of restaurants and cafés in the Old Sacramento Business District, and the expected increase in patrons with the Golden 1 Center, staff recommends that the

Committee support this ordinance to allow Old Sacramento to have the same business opportunities that are available in other areas of the city.

Financial Considerations: None.

Local Business Enterprise (LBE): Not applicable.

BACKGROUND

Staff Outreach and Research

Staff has consulted with the Downtown Sacramento Partnership (DSP) representing Old Sacramento merchants the Convention and Cultural Services Department which manages the Old Sacramento historic district, Sacramento Police Department, Sacramento Fire Department, District 4 Council office, and the Economic Development Department. Consultation has been via three stakeholder meetings and the circulation of ordinance language for review and comment.

Proposed Amendments to City Code Sections 3.76.040, 5.88.040, 5.88.050, 5.88.060, 5.88.070, and 9.04.055

The proposed amendments are based on the research of staff as well as input from the various stakeholders.

According to the proposed ordinance, Section 5.88.060 is amended to clarify when vendors with a fixed business location in Old Sacramento can vend goods, wares, or merchandise from the sidewalks or boardwalks in Old Sacramento during special events, and to specify the restrictions on such vending. Section 5.88.070 is amended to allow consumption and sale of alcoholic beverages on the sidewalks and boardwalks in Old Sacramento within sidewalk café areas pursuant to the City's encroachment permit process outlined in Section 3.76.040 and the open container requirements of Section 9.04.055. Various provisions of Sections 3.76.040 and 9.04.055 are also amended to accommodate the new permitting process for sidewalk cafes in Old Sacramento. Finally, various other provisions of Chapter 5.88 are amended in the proposed ordinance to reflect updated conditions in Old Sacramento and the Planning division's role in design approval.

Under the proposed ordinance, sidewalk cafes in Old Sacramento will only be allowed with a revocable encroachment permit obtained pursuant to Section 3.76.040. Of significance is that, per the requirements of Section 3.76.040, sidewalk cafes must be established in conjunction with an adjacent restaurant use. Therefore, bars and lounges are prohibited from selling alcoholic beverages on the sidewalks or boardwalks if they are not operated in conjunction with a restaurant use. Additionally, Section 3.76.040 specifies that applications for sidewalk café encroachment permits must outline the location of tables, chairs, accessory service facilities, perimeter barrier element, and any fixed elements on the sidewalk within a 25-foot radius of the café.

Further, Section 3.76.040 states that sidewalk cafes must be enclosed with a decorative element separating café seating from adjacent pedestrian traffic, and cafes shall not obstruct pedestrian traffic, accessibility to vehicles parked adjacent to the curb, or create public health or safety hazards. Finally, Section 3.76.040 requires that service and consumption of alcoholic beverages in sidewalk cafes comply with City Code Chapter 9.04, and Section 9.04.055 does not prohibit possession of open containers in

sidewalk cafes if a license from the California Department of Alcoholic Beverage Control (ABC) is obtained.