



REPORT TO PLANNING COMMISSION City of Sacramento

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915 I Street, Sacramento, CA 95814-2671

PUBLIC HEARING
October 28, 2010

To: Members of the Planning Commission

Subject: Appeal of Cornerstone Restaurant Parking Waiver (Z10-053)

A request to waive required parking in order to convert an existing office building (and former church) into a new restaurant, on a parcel of approximately 0.07 acres in the General Commercial, Neighborhood Corridor Overlay (C-2-NC) zone. The project also includes Staff Level Design Review for rehabilitation of an existing commercial structure.

- A. Environmental Determination: Exempt (CEQA 15301);
- B. Special Permit to waive required parking in order to convert an existing office building (and former church) into a new restaurant, on a parcel of approximately 0.07 acres in the General Commercial, Neighborhood Corridor Overlay (C-2-NC) zone;
- C. Staff Level Design Review for exterior renovations to an existing commercial structure that is located within the Central City Design Review District, file number DR10-110.

Location/Council District:

2301 K Street, Sacramento, CA 95816

Assessor's Parcel Number: 007-0095-021-0000

Council District 3

Recommendation: Staff recommends the Commission approve the request based on the findings and subject to the conditions listed in Attachment 1, thereby denying the appeal. The Commission has final approval authority over items A-C above. Its decision is not appealable to City Council, but is subject to call-up by the Mayor and the council member from District 3.

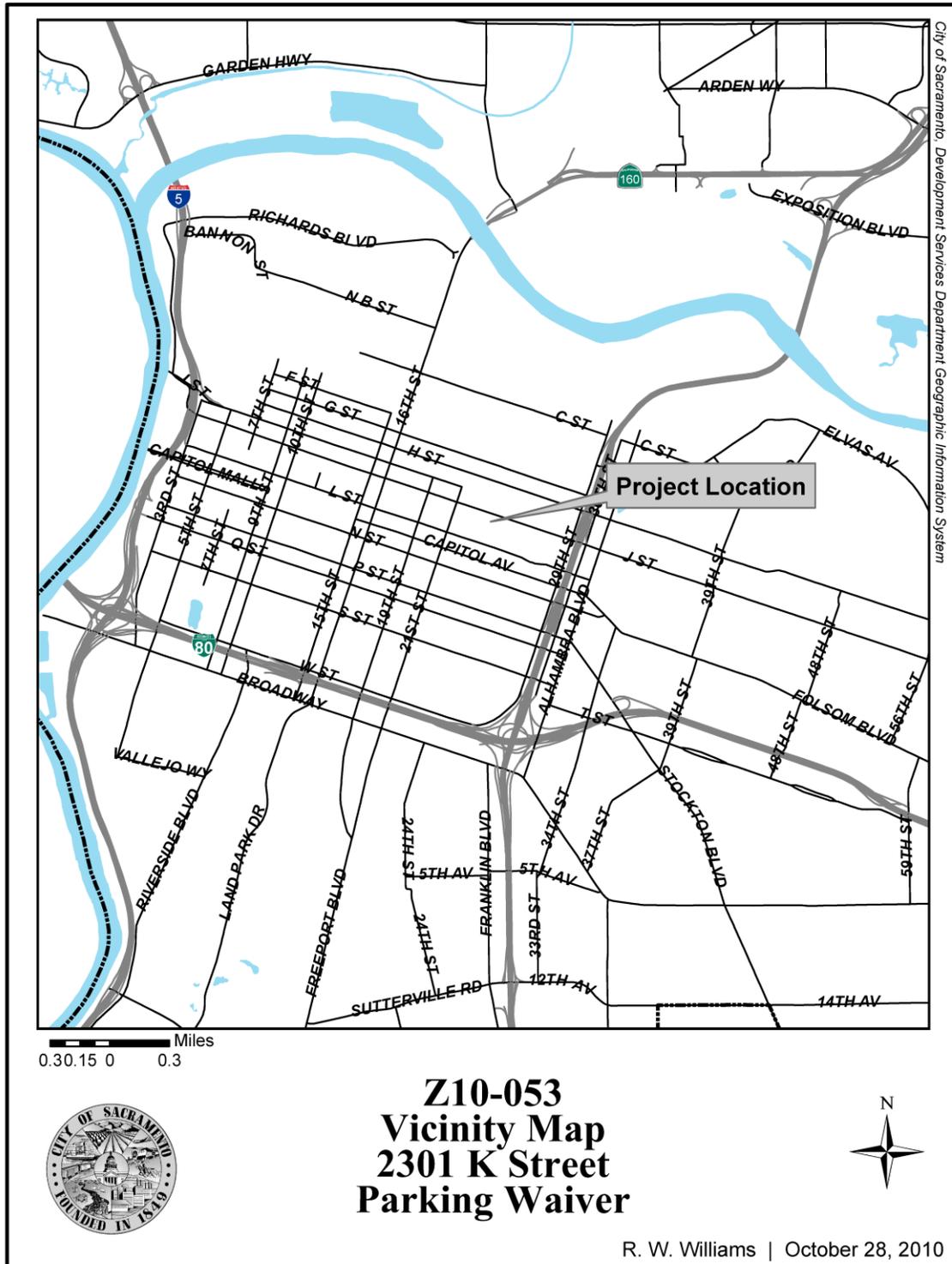
Contact: Robert W. Williams, Associate Planner, (916) 808-7686
Sandra Yope, Senior Planner, (916) 808-7158

Applicant: Danny Lueng, PO Box 221633, Sacramento CA 95822

Owner: Same as Applicant

Appellant: Marilyn Shaffer, 2305 K Street, Sacramento CA 95816

Vicinity Map



Summary: The applicant is requesting a waiver of the on-site parking requirements in order to convert an existing commercial structure into a restaurant. A restaurant is an allowed use by right in the C-2-NC zone, however in order to meet the parking requirements in this area, a Special Permit to waive required parking is needed in order for the applicant to have more than thirty on-site seats. Because the building is 10,000 square feet or less, the Zoning Administrator has the authority to grant a Special Permit to waive the required parking. The structure is in poor shape and must be substantially renovated. Because the building is located within the Central City Design Review District, the exterior rehabilitation is subject to Design Review approval. The Design Review approval is staff level, however because of the concurrent Special Permit, the Staff Level Design Review is subject to approval by the Zoning Administrator.

The parking waiver request generated significant neighborhood opposition. Two public hearings on the parking waiver request were held before the Zoning Administrator on September 2, 2010 and September 16 2010. These hearings were attended by many neighbors and nearby property owners. At the second hearing, the Zoning Administrator approved the parking waiver subject to conditions. The project has been appealed to the Planning Commission by a neighboring property owner.

Table 1: Project Information
General Plan designation: Urban Corridor Low (UCORLOW)
Community Plan Area: Central City
Design Review Area: Central City
Existing zoning of site: C-2-NC (General Commercial, Neighborhood Corridor Overlay)
Existing use of site: Former Church/Office
Property area: 0.07 acres (3,200 square feet)

Background Information: The project site is 3,200 square foot lot that is located at the northeast corner of K Street and 23rd Street, within the midtown area of the Central City. The parcel contains a 3,577 square foot structure, which contains a 2,614 first story and a 963 square foot second floor on the rear portion of the building. The building dates from at least the early 1920's however there are indications that the north (rear) portion of the building could be much older. The building covers the entire rear (last 28 feet) of the property with no setbacks in this area. Along the remainder of the property, the side setbacks are between 4 to 6 feet from both sides and the front is setback approximately one foot from the property line.

The building was used by various church denominations until the early 1980's when it was converted into an office for a cable company. In 1985 a special permit was approved by the Planning Commission to reestablish a church use on the property (P85-418). This church use was discontinued prior to the late 1990's.

In 1998 an investigation was made by staff about the possibility of converting this building into a 75 seat restaurant (IR98-047). That investigation determined that the existing building had a parking credit of 10 spaces for the previous church use. Restaurants require 1 parking space per every 3 spaces therefore a parking waiver was required only if seating for more than 30 is provided. An application to waive parking was not submitted at that time, and the building has remained unused.

Now a new property owner is requesting to convert this building into a restaurant. They are currently proposing 57 on-site seats inside the building. This would require 19 on-site parking spaces if the building were to be constructed today. The parking credit for the prior church use is allowed to be applied, so the total parking waiver requested is 9 parking spaces. The plans show two dwellings on the small second floor which will be rehabilitated. Residential use is permitted as of right within the C-2 zone in the Central City subject to density requirements and development standards. The zoning code does not require any parking for up to two dwelling units on a parcel within the Central City that is 3200 square feet or less.

Public/Neighborhood Outreach and Comments:

Early Project notification was sent to the Midtown Neighborhood Association and the Midtown Business Association. No comments were received from the associations prior to the first Zoning Administrator hearing. Prior to the second hearing, and email was received from the Midtown Neighborhood Association stating that a parking waiver should not be granted without all cooperative use parking possibilities exhausted, with a minimum standard of provided sufficient parking for employees. The notice of the first Zoning Administrator hearing on September 03, 2010 was sent to all property owners within three hundred feet of the project site, as well as the community associations. Staff notified neighborhood groups, all property owners within a 300 foot radius, and all others who attended the previous Zoning Administrator hearings for this public hearing before the Planning Commission

Zoning Administrator Hearings:

When the property was first noticed for the hearing before the Zoning Administrator, staff received many calls concerning the project. Staff provided the project plans and other application components to neighbors for them to review. Many neighbors expressed concerns about the impact that the proposed parking waiver would have on their ability to find an on-street parking space nearby their place of residence or business. On-site parking requirements were not established until after many of the existing structures had already been constructed or converted multi-family dwellings, and other more intensive land uses.

Many neighbors expressed other concerns that were not directly before the Zoning Administrator. Some of the concerns expressed by the neighbors include allowing the property to be used for a restaurant, and the impacts that the restaurant use would have on the commercially zoned mixed-use neighborhood. These concerns include proposed

hours of the restaurant, the possible sale of alcohol at the restaurant, garbage storage and collection issues, and a possible future sidewalk café in the public right-of-way.

Almost all of the K Street and J Street corridors are commercially zoned. This particular area around the subject site has been zoned C-2 since at least the 1950's. The proposed restaurant is an allowed use by right on the subject site. The zoning code does not restrict the sale of alcohol for on-site consumption at restaurants. The issue of whether to allow alcohol sales at the restaurant will be regulated by the California Alcoholic Beverage Control (ABC), and will be subject to their restrictions and their review and notification process.

Plans that were originally submitted showed future sidewalk café seating within the public right-of-way. The sidewalk café would require a separate application and is subject to issuance of an encroachment permit that is issued by the Department of Transportation. Their review is a separate process that includes reviewing accessibility concerns and impacts to landscaping and city trees that are located in the public right of way. Subject to this review and approval, sidewalk cafes are allowed to be placed in the right of way next to restaurants. The zoning code also specifically exempts all sidewalk café seating in the right-of-way from any parking requirements, and it would not be subject to an existing or future parking waiver request. The applicant has not yet submitted a sidewalk café application to the Department of Transportation. The site plans have been revised to accurately reflect the existing project.

The only direct zoning code issue before the Zoning Administrator was the special permit for the parking waiver request and whether it should be granted, and if the special permit is granted what conditions should be placed on the project to help mitigate the impacts of the parking waiver request. The other issues of concern were investigated by staff and were discussed at the public hearings but they were not issues the Zoning Administrator had authority to take action on.

At the first hearing held before Zoning Administrator on September 2, 2010, the Zoning Administrator took testimony from the applicant and neighbors in attendance about the parking waiver request. There were many neighbors (approximately 20) who spoke about their concerns. After listening to testimony, the Zoning Administrator continued the item for two weeks in order to allow for additional investigation by the applicant and staff about the parking waiver request and other concerns. The applicant was directed to provide a parking survey to documents the availability of parking on surrounding blocks at various days and times in order to help determine the impact the parking waiver request.

Staff investigated the parking time restrictions in the neighborhood. The area along K Street and the number streets that are adjacent have free but limited time parking. Most of the area has a two hour limit, except for part of K Street between 22nd Street and 23rd Street, where there is a one hour time restriction. Residents are supplied with a Residential Parking Permit to allow them to park in many spaces without adhering to the

parking time limitations. On J Street nearby, there is paid parking, mostly limited to one hour. All of these parking time limitations end at 6 PM. Also one side of most the streets nearby are closed on various weekday mornings to provide for trash pickup and garden refuse services.

Shortly before the second hearing before the Zoning Administrator applicant did provide staff with a parking survey which showed that parking spaces were available at various times in the surrounding area. The most impacted area appeared to be along 23rd Street, between J Street and K Street. However there was usually some parking available within a block or two of the proposed restaurant. Staff cannot verify the accuracy of the parking survey.

Prior to the second hearing, staff forwarded additional concerns to the Zoning Administrator. At the second hearing on September 16, 2010, the Zoning Administrator took additional testimony from neighbors concerning the parking waiver request. Additional concerns about a proposed offsite evening parking lease were discussed. At the close of the public hearing, the Zoning Administrator approved the special permit for a parking waiver, subject conditions to help mitigate the parking waiver impacts. The conditions include limiting the hours of operation, reducing the total number of seats that are allowed in the restaurant, and further reducing the number of seats if an evening lease is not obtained. The specific conditions placed on the project are listed below in the conditions of approval.

Appeal: The third party appeal list several reasons for the appeal. Some of these statements that are listed as reasons for the appeal were not issues that were before the Zoning Administrator and are not before the Planning Commission. The Special Permit request is only for the parking waiver and not the land use. Staff cannot evaluate issues that are not directly associated with the parking waiver. Trash collection, deliveries and other operations issues must comply with all required regulations. Any future sidewalk café will require an application be submitted to the Department of Transportation for review. The zoning code specifically exempts sidewalk café seating from parking requirements, so it cannot be evaluated as part of the parking waiver. The sale of alcohol for on-site consumption at restaurants is allowed by the zoning code and is subject to the licensing by the California Department of Alcoholic Beverages (ABC).

The only issue before the Planning Commission in which neighbors have expressed any concern about is the Special Permit request to waive the required parking. If the parking waiver is granted, it can be conditioned to place restrictions on the hours of operation. If the waiver is denied, then no conditions can be placed on the restaurant if they choose to open. There could not be any restriction on the hours of operation.

Environmental Considerations: The Community Development Department, Environmental Planning Services Division has reviewed this project and determined that the project is exempt under the provisions of the California Environmental Quality Act (CEQA) Class 1, Section number 15301.

Policy Considerations:

2030 General Plan: The subject site is designated Urban Corridor Low (UCORLOW) in the 2030 General Plan. Urban Corridor Low includes street corridors that have multi-story structures and more-intense uses at major intersections, lower-intensity uses adjacent to neighborhoods, and access to transit service throughout. At major intersections, nodes of intense mixed-use development are bordered by lower-intensity single-use residential, retail, service, and office uses. Street-level frontage of mixed-use projects is developed with pedestrian-oriented uses. The streetscape is appointed with landscaping, lighting, public art, and other pedestrian amenities.

The General Plan also states that the City shall encourage the retention of existing structures and promote their adaptive reuse and renovation with green building technologies to retain the structures' embodied energy, increase energy efficiency, make it more energy efficient, and limit the generation of waste (LU 2.6.4). Lastly, the General Plan also states that the City shall reduce minimum parking standards over time to promote walkable neighborhoods and districts and to increase the use of transit and bicycles (M 6.1.2).

Special Permit to Waive Parking

The proposed conversion of this building into a restaurant with two dwellings is allowed by right and is consistent with the C-2-NC zoning of the property and the General Plan. The Zoning Code does not require a special permit to allow a restaurant on the property or to allow a bona fide restaurant sell alcohol, which is subject to ABC approval. The Special Permit before the Planning Commission is only a request to waive the required on-site parking.

This is a small parcel without any space to add parking on-site. Many existing buildings in the Central City were constructed or converted to a higher intensity use prior to current parking regulations. Most structures do not have adequate parking to meet current requirements. For many residents and businesses the only place to park is on the street.

The zoning code requires that any change of use of an existing structure that requires more parking than the prior use must be made up on-site or else obtain approval by special permit to waive required parking or by a special permit to provide exclusive (24 hours) parking on another parcel.

The Zoning Code allows for a credit to be applied for existing structures that were constructed prior to current parking requirements. The credit would be based upon the use of the building prior to current parking requirements. After this application staff determined that a prior parking credit of 10 parking spaces could be applied to any new use in the building.

The applicant's original plans showed 61 on-site (on the parcel) seats. This included 57 seats inside the restaurant and 4 (on the parcel) seats at tables that were adjacent to the west side of the building. A 61 seat restaurant would require 20 parking spaces if

constructed today (1 per 3 seats), but with the 10 space parking credit, the requested waiver before the Zoning Administrator was considered to be 10 spaces. The applicant has reduced the proposed on-site seating to 57 total seats. This would require 19 on-site spaces for new construction. With the preexisting credit of 10 parking spaces the current parking waiver request is for 9 spaces.

Table 2: Parking				
Use	Required Parking	Parking Credits	Proposed Parking	Difference
Restaurant with 57 seats. (1 per 3 seats)	19	10	0	9

The Zoning Administrator had conditioned the parking waiver to allow a maximum of 51 seats if either the restaurant closes by 5:30 PM or if an evening lease for at least 7 parking spaces is provided. Obtaining a lease for at least 7 parking spaces would allow the restaurant to stay open until 9:00 PM. If they cannot obtain a nearby evening lease then the restaurant is only allowed to have 41 seats in order to remain open past 5:30 PM, until a closing time of 9:00 PM: The reasoning behind the evening only lease is because most parking spaces on properties in the area are taken up during by the business that exists on those properties during the day. Leased parking spaces should be from nearby offices or similar uses that are not open during the evening. It is more difficult to find parking spaces that can be leased legally during the daytime.

The Zoning Administrator approved the special permit request to waive 9 spaces subject to conditions and based on findings of fact. Now that the project has been appealed, the Planning Commission has the authority to either approve or deny the parking waiver. In evaluating special permit proposals of this type, the Commission is required to make the following findings:

- A. A special permit shall be granted upon sound principles of land use.
In this case, staff finds that the restaurant is an allowed land use in the C-2-NC zone and project is located within a commercially zoned neighborhood with on-street parking and time limits to serve the proposed restaurant and ensure that parking spaces turn over for the businesses in the area.
- B. A special permit shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a nuisance.
There is no room to provide on-site parking and the proposed conditions are designed to minimize impacts of the parking waiver. Bicycle parking will be provided, and a large inside waiting area will be provided.

- C. A special permit use must comply with the objectives of the general or specific plan for the area in which it is to be located.

The project is consistent with the General Plan which designates the site as Urban Corridor Low (UCORLOW).

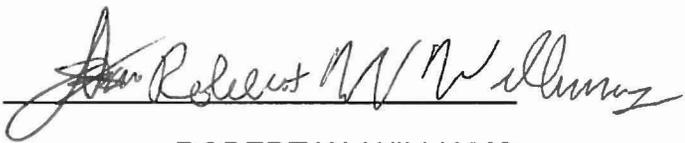
Staff recommends parking waiver be granted with the condition that the seating be reduced to a maximum of 51 seats (a 7 space waiver) if the applicant either obtains a nearby evening lease (for 7 spaces), or else is not open during the evening, as described in recommend condition number B4. If the applicant cannot obtain a nearby evening lease, and desires to be open in the evening staff recommends that the seating be reduced to 41 seats (a 3 space waiver). Staff recommends maximum hours of operations be set as in the recommended conditions of approval.

Building design, signage and landscaping

The existing building, originally constructed as a church, is being rehabilitated. There are no proposed additions. The exterior changes are, a new parapet to match the existing front parapet in order to hide mechanical equipment, new stairs to an existing second floor door (east side), window removal along the east side property line near the rear of the structure, a new canopy above the front entry, new exterior lights, new skylights, new 30 year compositional roofing material, and new railing on the existing ramp. The existing entry doors and window will be removed and replaced. All the other doors and windows are preexisting and they will remain. There is no proposed landscaping. Signage has not been submitted.

The exterior rehab would have only been subject to staff level Design Review approval, with no public hearing required. However, since there was a concurrent Special Permit request before the Zoning Administrator, the Zoning Administrator also took action to approve the Staff Level Design Review. The entire project is therefore subject to the appeal that is before the Planning Commission.

Design Review staff have reviewed the proposed renovations and have recommended the proposed Design Review conditions. None of the comments that have been received by staff are specific to the items that Design Review staff has reviewed and made recommendations for the project. Staff recommends the Planning Commission approve the Staff Level Design Review (DR10-110).

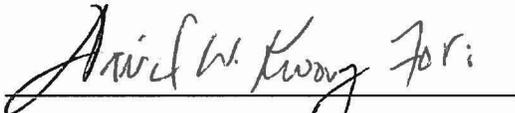
Respectfully submitted by: 

ROBERT W. WILLIAMS
Associate Planner

Approved by: 

SANDRA YOPE
Senior Planner

Recommendation Approved:



GREGORY BITTER, AICP
Principal Planner

Attachments:

Attachment 1 Recommended Findings of Fact and Conditions of Approval

Exhibit 1A Site Plan
Exhibit 1B First Floor Plan
Exhibit 1C Second Floor Plan
Exhibit 1D Elevations
Exhibit 1E Color Elevations
Exhibit 1F Appeal Letter
Exhibit 1H Applicant Parking Survey
Exhibit 1I Letters
Exhibit 1J Photos

Attachment 2 Aerials

Attachment 3 Land Use & Zoning Map

Attachment 1
Proposed Findings of Fact and Conditions of Approval
Appeal of Cornerstone Restaurant Parking Waiver (Z10-053)
2301 K Street

Findings Of Fact

- A. Environmental Determination:** Based on the determination and recommendation of the City's Environmental Planning Services Manager and the oral and documentary evidence received at the hearing on the Project, the Planning Commission finds that the Project is exempt from review under Section 15301, Existing Facilities of the California Environmental Quality Act Guidelines as follows: The project consists of the minor alteration of an existing private structure, involving negligible expansion of use beyond that existing.
- B. The Special Permit** to waive the required on-site parking spaces is approved subject to the following Findings of Fact and Conditions of Approval:
1. Granting the special permit is based upon sound principles of land use in that:
 - a. An restaurant is an allowed use in the in the General Commercial, Neighborhood Corridor overlay (C-2-NC) zone; and
 - b. The project is located in a commercial neighborhood with sufficient on-street parking and time limits to serve the proposed restaurant and ensure that parking spaces turn over for the businesses in the area.
 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 is conditioned to minimize impacts to surrounding properties; and
 - b. The existing commercial building covers most of the 3,200 square foot lot and there is no room to provide parking on the subject site; and
 - c. A waiting area for patrons is provide inside the building; and
 - d. Bicycle parking will be provided.
 3. The project is consistent with the General Plan which designates the site as Urban Corridor Low (UCORLOW).
 - a. The **Staff Level Design Review** request to rehabilitate an existing commercial structure is approved, subject to the following Findings of Fact and Conditions of Approval:
- C. The Staff Level Design Review (DR10-110)** request to rehabilitate an existing commercial structure (a former church) into a restaurant is approved, subject to the following Findings of Fact and Conditions of Approval:

1. The project is based upon sound principles of land use, in that the proposed use is allowed in the General Commercial, Neighborhood Corridor overlay (C-2-NC) zone; and
2. The proposed use will be consistent with the objectives of the City of Sacramento General Plan.
3. The project, as conditioned, will complement structures in the vicinity, and conforms to the design criteria set forth by the Design Commission.

Conditions of Approval

The **Special Permit** to waive the required on-site parking spaces is approved subject to the following Conditions of Approval:

General

- B1. The proposed project shall conform to the submitted plans. Any changes to the approved site or building size or other plans are subject to additional Planning review and approval.
- B2. The applicant shall obtain all necessary permits before beginning construction.
- B3. The design of the project must conform to all design review conditions of approval for file DR10-110.
- B4. Restaurant seating and hours of operation are as follows:

Lease:	Hours: ^B	Maximum Seats: ^C
No	6:00 am – 5:30 pm	51
No	6:00 am – 9:00 pm	41
Yes ^A	6:00 am – 9:00 pm	51

- A. The applicant shall provide a lease for a minimum of seven (7) parking spaces within two (2) blocks of the restaurant between hours of 5:30 pm and 9:30 pm. The applicant shall provide staff with a final copy of the signed lease. If a lease is provided outside the two block radius, staff will review the lease location to determine the lease is acceptable for the parking waiver. If leased parking is provided the applicant shall place a sign in the restaurant and/or the menu indicating the availability of limited off-street parking.
 - B. The restaurant shall not be open earlier than 6:00 AM and shall not be open later than 9:00 PM, seven days a week.
 - C. Maximum number of seats allowed on the subject site. Does not include any seating in the public right-of-way that may be approved in the future.
- B5. The areas on the on the west and east sides of the main entry door facing K Street shall not be used for table service. They shall be designated for customer waiting areas only.

- B6. The applicant shall apply to the City Department of Transportation for a bicycle parking facility to be installed in front of the business in the public right-of-way within 30 days after the issuance of the Certificate of Occupancy. The applicant shall also install a bicycle parking facility on the west side of the building unless it interferes with ADA accessibility requirements.
- B7. The small office on the second floor shall not be separately leased, and can only be used by the restaurant or the residents of the property. No more than two dwelling units shall be allowed upstairs.
- B8. A signed copy of the Affidavit of Zoning Code Development Standards and each of the pages of this Record of Decision shall be scanned and inserted as a general sheet(s) in the plan set for any building permit submittal associated with this project.
- B9. An affidavit signed by the applicant that affirms the plans submitted for the Building Permit comply with all conditions of approval and approved exhibits shall be included on full-size sheets as part of the Building Permit plans submittals.

Department of Transportation:

- B10. Construct standard public improvements as noted in these conditions pursuant to Chapter 18 of the City Code. Improvements shall be designed to City Standards and assured as set forth in Chapter 18.04.130 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Department of Transportation. Any public improvement not specifically noted in these conditions shall be designed and constructed to City Standards. This shall include street lighting and the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk fronting the property along K Street and 23rd Street per City standards to the satisfaction of the Department of Transportation.

The **Staff Level Design Review (DR10-110)** request to rehabilitate an existing commercial structure (a former church) into a restaurant is approved, subject to the following Findings of Fact and Conditions of Approval:

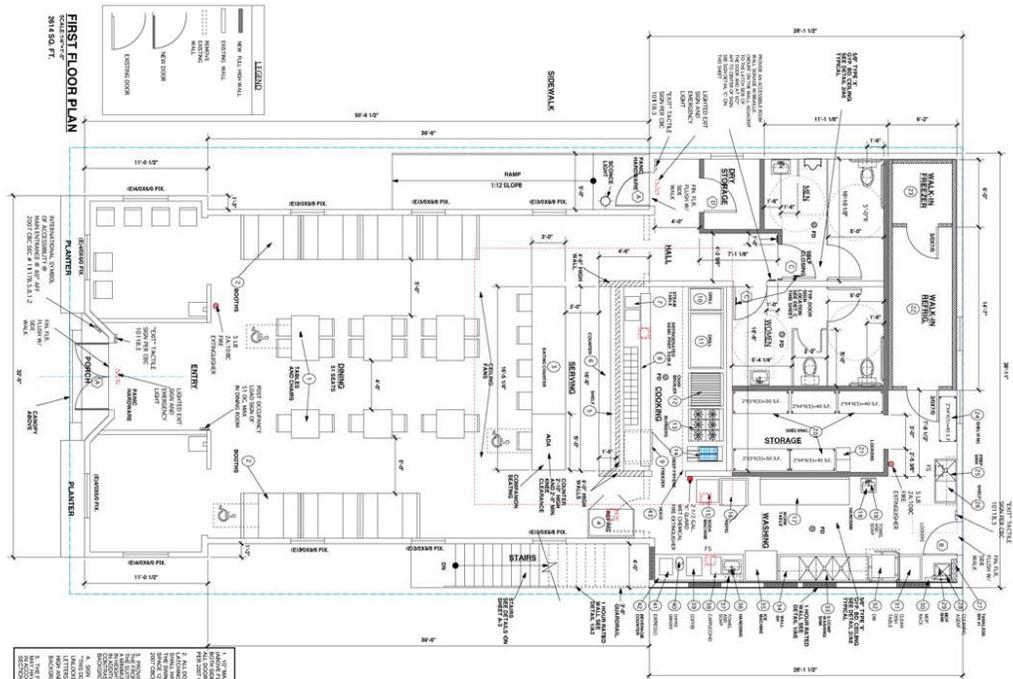
- C1. Existing cement plaster walls shall be retained and repainted per approved plans and color rendering.
- C2. A cement plaster mechanical well with a crenellated cornice shall be provided to match existing crenellated element at the front of the building.
- C3. Existing windows at east elevation shall be removed and replaced with cement plaster to match existing per approved plans.
- C4. Existing windows at north, east, south, and west elevations shall be retained and repainted per approved plans and color rendering.

- C5. Entry window and door shall be removed and replaced per approved plans. Final wood entry door with glazing shall be coordinated with Design Review staff during Building Plan Check review.
- C6. Entry canopy shall be provided per approved plans. Final suspension and canopy details shall be coordinated with Design Review staff during Building Plan Check review.
- C7. Trim shall be painted per approved plans and color rendering.
- C8. New stair at the east elevation shall be provided to meet City Standard stair detail, and final detailing shall be coordinated with Design Review staff during Building Plan Check review.
- C9. Wall sconce lighting shall be provided at 10' with final design and cut sheets provided and coordinated with Design Review staff during Building Plan Check review.
- C10. Skylights shall be provided per approved plans and elevations.
- C11. Existing Spanish tile roof shall be retained per approved plans.
- C12. Minimum 30-year laminated dimensional composition shingle with heavy ridge caps shall be provided per approved plans.
- C13. All mechanical systems shall be located behind and not exceed the height of the mechanical parapet per approved plans.
- C14. The sidewalk café shall be submitted to the Department of Transportation for review and approval. Design Review staff will review the submittal at that time.
- C15. The applicant shall consult with the Solid Waste Services Division of the Department of Utilities to arrange the required trash collection services. Any on-site trash cans and recycling containers shall be stored wholly within the building. No containers or similar objects shall be stored behind the building.
- C16. All proposed signage shall comply with the Sign Ordinance and Building Code, respectively, and shall be reviewed and approved by Design Review staff prior to issuance of required sign permits.
- C17. All other notes and drawings on the final plans as submitted by the applicant are deemed conditions of approval. Any changes to the final set of plans stamped by Design Review staff shall be subject to review and approval prior to any changes. Applicant shall comply with all current building code requirements.
- C18. The Conditions of Approval shall be scanned and inserted into the final set as a general sheet to be submitted for Building Permit.
- C19. A signed copy of the Affidavit of Zoning Code Development Standards shall be scanned and inserted into the final set as a general sheet to be submitted for building permit.

- C20. Design Review shall review the plans and cut sheets submitted for Building Permit and coordinate final details with applicant during the Building Plan Check cycle.

Advisory Notes:

1. *PLANNING*: A sidewalk café application is required to be reviewed and approved prior to establishing any seating in the public right-of-way.
2. *PLANNING*: If the applicant chooses to limit the on-site seating to 30 seats or less, then the parking waiver is not required. The Design Review conditions of DR10-110 will still remain applicable for the exterior renovations.
3. *BUILDING*: If there is outside seating, provide wheelchair seating at the outside dining area.
4. *BUILDING*: When door swings onto top landing, the landing width in the direction of egress travel shall have 42" + door width which equals to 6'-6" per CBC Figure 11B-39.
5. *BUILDING*: Provide bar counter with 60" long companion seats per DSA Guidelines.
6. *BUILDING*: Post maximum seating capacity in dining area.
7. *BUILDING*: Provide handrails & handrail extensions on ramp.
8. *BUILDING*: Provide emergency power supply system for means of egress illumination with battery back-up system for a duration of not less than 90 minutes per CBC section 1006.3.
9. *BUILDING*: Provide handrails on each side of stairway per CBC section 1012, & provide guardrail on the open-sided stairway per CBC section 1013.
10. *BUILDING*: Provide two-hour occupancy separation between A-2 & R per CBC Table 508.3.3.
11. *BUILDING*: Provide mix occupancies allowable area computations per CBC section 508.3.3.
12. *BUILDING*: Provide shear & overturning moment design calculations on west wall because of new openings.
13. *BUILDING*: Provide engineering & attachment details for the new awning.
14. *DEPARTMENT OF TRANSPORTATION*: The site plan shows a proposed café seating along the frontage of the building. The applicant shall apply for a revocable permit for the use of the public right-of-way for a café seating and must meet all the requirements for that permit. The applicant shall also be required to apply for an encroachment permit to allow for the construction of the Café seating with the Department of Transportation. Please contact Cesar Narvaez at (916) 808-7873 to inquire about the requirements of both permits.

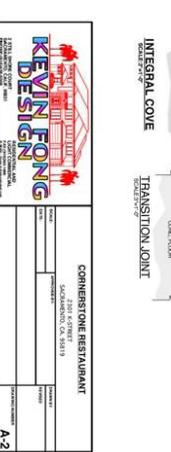


FIRST FLOOR PLAN
2811582.FLT

REVISIONAL SYMBOL
REVISION NUMBER & REV. DATE
2007 DEC. 27 11.3.2.2
2007 DEC. 27 11.3.2.2

EQUIPMENT SCHEDULE WITH PLUMBING REQUIREMENT			
NO.	ITEM	REMARKS	PLUMBING REQUIREMENT
1	WALL MOUNTED SINK		
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37	WALL MOUNTED SINK		
38	WALL MOUNTED SINK		
39	WALL MOUNTED SINK		
40	WALL MOUNTED SINK		
41	WALL MOUNTED SINK		
42	WALL MOUNTED SINK		
43	WALL MOUNTED SINK		
44	WALL MOUNTED SINK		
45	WALL MOUNTED SINK		

ROOM FINISH SCHEDULE			
ROOM NAME	FLOOR	WALL	CEILING
ENTRY	F	D	N
DINING AREA	F	D	N
KITCHEN	F	D	N
STORAGE	F	D	N
WASHROOM	F	D	N
STAIRS	F	D	N
HALL	F	D	N
RESTROOM	F	D	N
WALL	F	D	N
CEILING	F	D	N
FLOOR	F	D	N
WALL	F	D	N
CEILING	F	D	N
FLOOR	F	D	N



DOOR SCHEDULE	
MARK	DESCRIPTION
A	DOOR # 1
B	DOOR # 2
C	DOOR # 3
D	DOOR # 4
E	DOOR # 5
F	DOOR # 6
G	DOOR # 7
H	DOOR # 8
I	DOOR # 9
J	DOOR # 10
K	DOOR # 11
L	DOOR # 12
M	DOOR # 13
N	DOOR # 14
O	DOOR # 15
P	DOOR # 16
Q	DOOR # 17
R	DOOR # 18
S	DOOR # 19
T	DOOR # 20
U	DOOR # 21
V	DOOR # 22
W	DOOR # 23
X	DOOR # 24
Y	DOOR # 25
Z	DOOR # 26



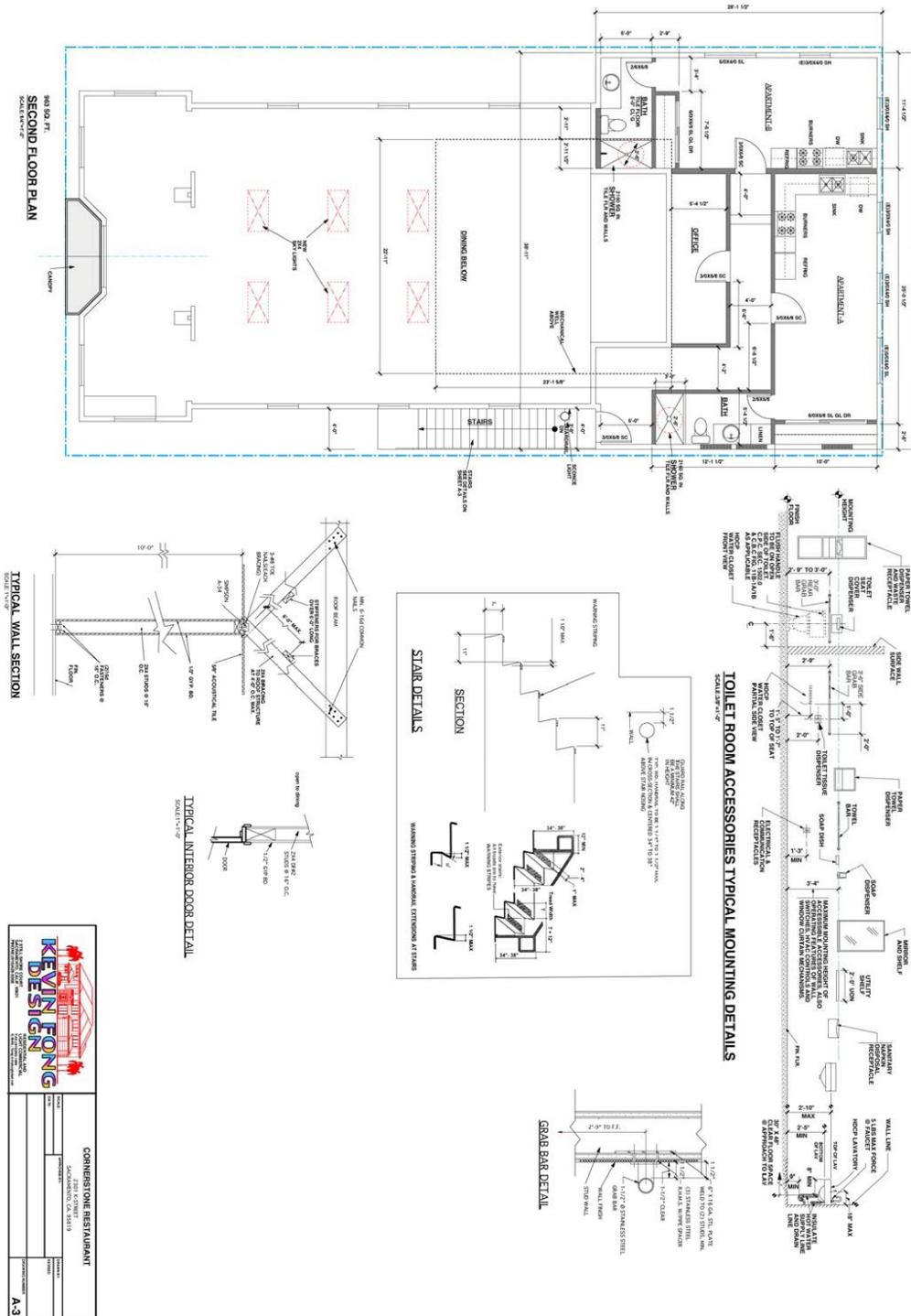
DOOR SCHEDULE	
MARK	DESCRIPTION
A	DOOR # 1
B	DOOR # 2
C	DOOR # 3
D	DOOR # 4
E	DOOR # 5
F	DOOR # 6
G	DOOR # 7
H	DOOR # 8
I	DOOR # 9
J	DOOR # 10
K	DOOR # 11
L	DOOR # 12
M	DOOR # 13
N	DOOR # 14
O	DOOR # 15
P	DOOR # 16
Q	DOOR # 17
R	DOOR # 18
S	DOOR # 19
T	DOOR # 20
U	DOOR # 21
V	DOOR # 22
W	DOOR # 23
X	DOOR # 24
Y	DOOR # 25
Z	DOOR # 26

DOOR SCHEDULE	
MARK	DESCRIPTION
A	DOOR # 1
B	DOOR # 2
C	DOOR # 3
D	DOOR # 4
E	DOOR # 5
F	DOOR # 6
G	DOOR # 7
H	DOOR # 8
I	DOOR # 9
J	DOOR # 10
K	DOOR # 11
L	DOOR # 12
M	DOOR # 13
N	DOOR # 14
O	DOOR # 15
P	DOOR # 16
Q	DOOR # 17
R	DOOR # 18
S	DOOR # 19
T	DOOR # 20
U	DOOR # 21
V	DOOR # 22
W	DOOR # 23
X	DOOR # 24
Y	DOOR # 25
Z	DOOR # 26

KEVIN FONG DESIGN
ARCHITECTURAL FIRM
2811582.FLT

CORNERSTONE RESTAURANT
2811582.FLT

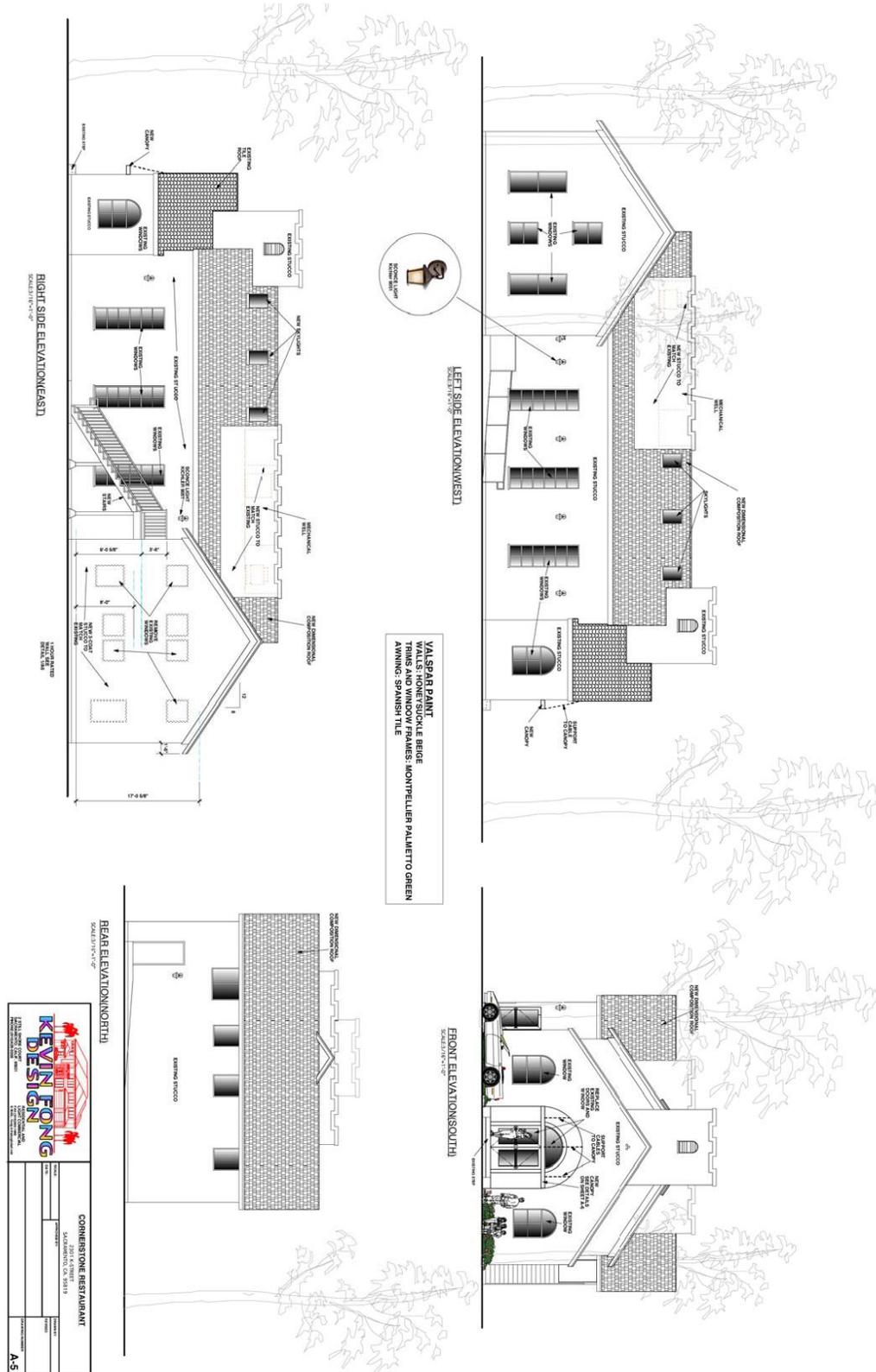
Exhibit 1C Second Floor Plan

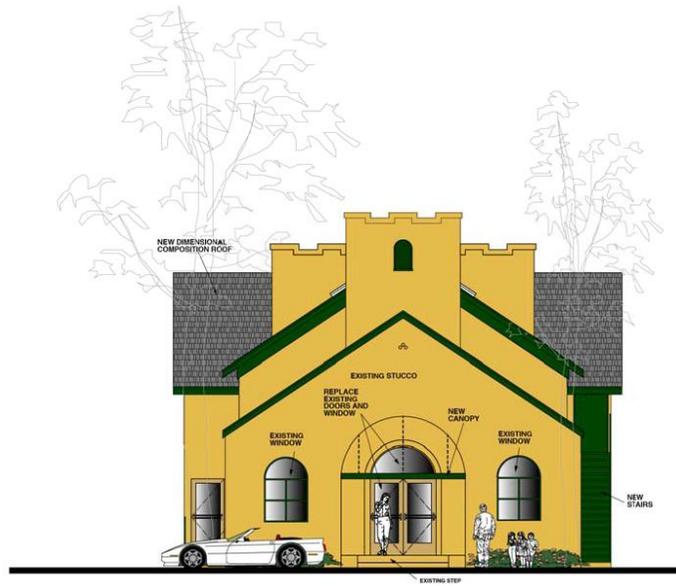


KEVIN FONG DESIGN
 ARCHITECTURAL DESIGN
 15111 WILSON AVENUE, SUITE 100
 BELLFLOWER, CA 90706
 TEL: (562) 941-8888
 FAX: (562) 941-8889
 WWW.KFDESIGN.COM

CORNERSTONE RESTAURANT
 2201 CORNERSTONE
 ROCKAWAY, CA 94768
 PROJECT NO. 10-001
 SHEET NO. A-3

Exhibit 1D Elevations





FRONT ELEVATION(SOUTH)
SCALE: 3/16"=1'-0"

VALSPAR PAINT
WALLS: HONEYSUCKLE BEIGE
TRIMS AND WINDOW FRAMES: MONPELLIER PALMETTO GREEN
AWNING: SPANISH TILE



LEFT SIDE ELEVATION(WEST)
SCALE: 3/16"=1'-0"



	CORNERSTONE RESTAURANT 2301 K STREET SACRAMENTO, CA 95819	
	DATE: _____	PROJECT: _____
	BY: _____	REVISION: _____
	1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF SACRAMENTO, CALIFORNIA.	DRAWN BY: _____ CHECKED BY: _____ DATE: _____



**Appeal Decision
Zoning Administrator**

Date: Sept 27, 2010

To the Planning Director:

I do hereby make application to appeal the decision of the Zoning Administrator on
9/16/10 (date) (hearing date), for project number Z 10-053.

<input checked="" type="checkbox"/>	Special Permit	for	<u>Project DR10-110</u>
<input type="checkbox"/>	Variance	for	_____
<input type="checkbox"/>	Parcel Merger	for	_____
<input type="checkbox"/>	Lot Line Adjustment	for	_____
<input type="checkbox"/>	Other _____	for	_____

Granted by the Zoning Administrator
 Denied by the Zoning Administrator

Property Location: 2301 K Street

Grounds For Appeal: (explain in detail, you may attach additional pages)

See attachment

Appellant: Marilyn Shaffer (please print) Daytime Phone: (916) 448-5160

Address: 2305 K Street, Sacramento, CA 95816

Appellant's Signature: Marilyn M. Shaffer

Please note that once this application is submitted to the City of Sacramento, your information may be subject to public record. However, please note that the City will not sell your data or information for any purposes.

THIS BOX FOR OFFICE USE ONLY	
Filing Fee Received: Applicant (\$1000) _____	Or Third Party (\$500) <input checked="" type="checkbox"/>
Received By: <u>Helen Selph/Robert Williams</u>	Date: _____
Distribute Copies to: Planning Director <input checked="" type="checkbox"/>	Zoning Administrator <input checked="" type="checkbox"/>
Planning Commission Clerical Support Staff <input checked="" type="checkbox"/>	Original & Receipt in File <input checked="" type="checkbox"/>

Grounds for Appeal to Zoning Administrators action

Date: September 27, 2010

Re: Location: Cornerstone proposal for restaurant at 2301 K Street

This appeal is being filed by a group of neighbors, business owners and property owners who live and work within a block of 2301 K Street, the proposed new location for Cornerstone Restaurant. Having been frequent patrons, we would like to see Cornerstone find a new location in our neighborhood where they can thrive. However, we feel that their proposal for a 83-seat restaurant at this particular site is too big in terms of parking needs and activity level.

We compliment Zoning Administrator Patterson for listening to our concerns and restricting the extent of the parking waiver and reducing the open hours.

However, we appeal the decision to the City of Sacramento Planning Commission and recommend that for the proposed project at this site:

1. No waiver of parking be granted
2. The hours be restricted to 6am-9pm on weekdays and 7am-9pm on weekends.
3. The trash storage be held wholly inside the building
4. Truck deliveries be restricted to the alley only

A. BACKGROUND

The mix of business and residents in Midtown is what we love the most and why we purchased property here. Balancing the needs of each is a challenge for the City. The Zoning Code and many City processes have been developed to keep the balance in check.

Our neighborhood is a C-2-NC Zone which is described below:

“The purpose of the neighborhood corridor (NC) overlay zone is to encourage the development of new housing in specified general commercial (C-2) zoned corridors located within low-to-medium density residential neighborhoods. At the same time, **some restrictions on commercial or office development are established in order to ensure compatibility with adjacent residential uses.** It is intended to allow a wider range of commercial uses than the RMX or C-1 zones, but at less intensity than the C-2 zone. Mixed-use projects, in which commercial or office uses are contained in the same building or on the same site as residential, are encouraged.”

We emphasize the residential component of the zone description because particularly at the corner of 23rd and K Streets, residences are the predominate land use. While this project proposes a large restaurant with two studios upstairs, it is the size of the restaurant that we object to, not the residential component.

B. PARKING WAIVER

Finding a parking space in this area is already difficult. One reason is due to the lack of on-site parking at nearby businesses, churches, restaurants and residences. In addition, there are a higher number of restaurants on our block than the surrounding blocks and we have discovered that most have obtained parking waivers from the City.

Parking allocations: the initial request for waiver of the entire parking requirement for the restaurant was for 20 parking spaces. City staff found that the former church had a parking credit of 10 spaces, resulting with a need for a waiver of 10 spaces. By reducing the seat count, the Zoning Administrator's ruling waived 7 instead of 10. However, the project also described a total of 22 dining seats in the Street Right-Of-Way and these therefore are not included in the parking requirement. This waiver therefore results in an overall total of 24 parking spaces not provided for this project. There are only 25 parking spaces available on the entire block of K Street (both sides) to give you an idea of the size of impact this restaurant will have on the neighborhood parking.

Cornerstone parking survey results inaccurate: Cornerstone was asked to conduct a parking survey after the first hearing. The results of the parking survey were not shared with the hearing attendees. We believe that the results identified in the survey are inaccurate because any assessment of the current parking situation does not include future imminent impacts due to:

- a. The replacement restaurant at the former location at 2330 J St after Cornerstone closed their doors.
- b. The approved restaurant at 24th and K Street that is not yet constructed
- c. The vacant church at 24th & K.
- d. The vacant Hina's Tea Shop
- e. The soon to be opened TexMex Restaurant
- f. The Beach Hut restaurant expansion requested waiver of parking (Z10-082)
- g. Other vacancies due to the current economy

Employee parking next door was provided at the former location and employee parking should be provided at this location too. However, the **evening only** lease of parking nearby does not mitigate the parking need at this location. The increased need for parking due to this restaurant will be especially acute at breakfast and lunch times in addition to the dinner hour. The parking lease for employees should be for the entire time that the employees are at work. Note that all of the businesses on this block provide at least some parking for their employees.

The impact of delivery trucks was not considered in the ruling. At the former location, this restaurant had deliveries at various times throughout the day on the alley. If the delivery trucks and trash retrieval trucks park anywhere on 23rd Street or K Street, the street will be blocked, significant parking will not be accessible, and the path for deliveries will be through vehicles, bike lanes, pedestrians and restaurant patrons, thus creating a safety hazard.

In summary, because parking in this area is already heavily impacted due to already existing parking waivers, the size of this project impact will jeopardize the viability of the nearby businesses and certainly inconvenience residents to the point of relocation. Therefore we believe the waiver of parking should NOT be approved and delivery and retrieval trucks should be restricted to parking in the alley in order to provide a safe environment.

C. HOURS OF OPERATION

The opening hours do not take into account weekend needs of the nearby residents. We recommend that the opening hours be set at 7 am per Zoning code 8.68.060 Exterior Noise Standards. The former location opened at 7 am on weekends.

The 9pm close time is a good compromise with the nearby residents. Of course we would prefer an even earlier close. However, we continue to have concerns about Cornerstone's statement that they intend to renew their liquor license and about the offer during the hearing from the Zoning Administrator that the applicants may apply for a change of hours after 6 months time. We fear that they will request a later close time in the future.

Recommendation: Our recommendation is to slightly modify the Zoning Administrator's ruling to open at 7 am on weekends.

D. WASTE STORAGE AND PUBLIC SAFETY

There is no outdoor space available on the property for waste storage. The option mentioned during the hearing was for a dumpster to be located on the alley. However, the alley consists of driveways for parking for the existing businesses. In addition, it is unlikely that any of the property owners on this block will agree to allow a dumpster to sit on their property or block their property access. This is especially true since those of us on this block are already familiar with Cornerstone's previously poorly maintained dumpster. In addition, transporting trash from the restaurant around the corner to the alleyway will create a public safety hazard due to pedestrian conflicts, slips and falls from dropped bits of trash as well as rodent and pest issues.

Zoning Code 17.72.040 requires a trash enclosure be provided by "any commercial project when not wholly contained within the building." No waiver of the trash enclosure was requested or permitted in this ruling so we believe that compliance is required. In addition, it would appear that recycling is also required and that the handling of grease should also be per City requirements.

Recommendation: Because there is no space available for trash storage on site, we recommend that all trash storage be contained wholly within the building.

E. OTHER NEIGHBORHOOD CONCERNS AND QUESTIONS:

1. The owners of the proposed Cornerstone Restaurant have not communicated with residents, churches, and other businesses in the neighborhood during the planning phases. This lack of coordination and collaboration is of concern to all of us. Their failure to develop relationships or initiate even the most basic communication with the neighbors could make it difficult to solve future problems. Lack of collaboration between the applicants with their neighbors could cost the City of Sacramento additional and preventable administrative costs in resolving problems in the short term and long run.
2. We believe that the statement in the first paragraph of "Additional Information" regarding there formerly being "two existing dwellings" in the building is not correct. Residents who have lived on this block since the mid 1970's have never seen anyone living in the building other than homeless campers. There are no bathrooms or other necessary facilities on the upper level of the building.
3. There is also a statement that there are "no setbacks in the rear of the property." If the rear property line is at the back wall, how can the back door exit onto another property? If there is a small setback (i.e. at the roof overhang) then is it possible to create a legal exit with only a 24" walkway on this property?
4. The Conditions of Approval # 5 is not clearly stated and could imply that the waiting area is allowed outside the building, thereby disrupting the public sidewalk and creating a public nuisance. We recommend that the word "inside" be added.
5. Some neighbors expressed concerns that the building will be overly-utilized which worsens current parking problems. While the area is zoned for commercial uses, the neighborhood is also concerned about over-saturation of food and alcohol establishments in the area which adversely impact residential property values and the overall safety and quality of life in the neighborhood.

F. DESIGN REVIEW

Exterior Design: The statement (page 4 first paragraph) "Staff did not receive any specific comments relating to the exterior design of the structure" is incorrect. Comments were made regarding landscaping, fences, door heights, windows, etc. through letters and testimony.

Design Review Conditions of Approval item 14 conflicts with 13. "East" should be deleted from 14.

Item 18: The head height of the exiting door from the 2nd floor will require roof modifications which are not shown or mentioned.

Advisory Notes Item 2: If the dining seats are reduced to 30, the other aspects of hours, trash, etc. should still apply in order to protect the public health and safety.

G. SUMMARY OF APPEAL TO CORNERSTONE RESTAURANT

By all appearances, this ill-conceived project overburdens the existing property and structure. Additionally it creates an unacceptable impact to the neighborhood businesses, residents and services required for its proposed use.

By filing this appeal, we are requesting that **the project simply comply with the City of Sacramento Zoning Ordinance** for parking and trash. Specifically:

1. No parking waiver be granted
2. The hours should be restricted to 6am-9pm on weekdays and 7am-9pm on weekends.
3. The trash storage be held wholly inside the building
4. Deliveries be restricted to the alley only

Sincerely,

Ann Bardy from church at 1017 23rd Street
Franc Blackbird owns building at 2320 J Street
Elizabeth Emerson from church at 1017 23rd Street
Nick Karas owns building at 2300 J Street
Anna Maria Marquez from church at 1017 23rd Street
Steve Pitsker from house at 1018 23rd Street
Randy Ruiz from church at 1017 23rd Street
Marilyn Shaffer from house at 2305 K Street
Lynn Whigham from church at 1017 23rd Street
Portia Zraggen from church at 1017 23rd Street

2301 K Street

Kevin Fong Design
 Parking Survey
 September 3, 2010

16 blocks surveyed September 14, 2010.		9:00AM		12:00PM		5:30PM		8:00PM	
Parking Survey Summary		OCCUPIED	AVAILABLE	OCCUPIED	AVAILABLE	OCCUPIED	AVAILABLE	OCCUPIED	AVAILABLE
Day	Total Spaces								
MON	446	138	308	233	213	272	174	214	232
TUES	446	128	318	234	212	228	218	193	253
WED	446	162	284	232	214	284	162	220	226
THUR	446	142	304	246	200	286	160	211	235
FRI	446	159	287	280	166	251	195	274	172
SAT	446	180	266	257	189	299	147	404	42
SUN	446	194	252	254	192	204	242	204	242

Kevin Fong Design
 2 Stillshore Court
 Sacramento, CA 95831
 (916) 428-5008

2301 K Street

Kevin Fong Design
 Parking Survey
 September 3, 2010

Monday Breakdown			9:00AM	12:00PM	5:30PM	8:00PM				
Area Street	Intersection	Total Spaces	OCCUPIED	AVAILABLE	OCCUPIED	AVAILABLE	OCCUPIED	AVAILABLE		
1	L	22 & 23	12	14	14	12	10	16	7	19
2	23	J & K	6	26	16	16	25	7	25	7
3	K	23 & 24	8	17	19	6	16	9	14	11
4	23	K & L	6	20	12	14	15	11	14	12
5	23	L & CAPITAL	8	25	7	26	10	23	6	27
6	L	22 & 23	12	12	10	14	14	10	6	18
7	22	K & L	7	24	17	14	27	4	22	9
8	K	21 & 22	14	9	15	8	17	6	14	9
9	22	J & K	8	32	16	24	33	7	32	8
10	J	22 & 23	3	20	22	1	8	15	6	17
11	23	I & J	11	23	19	15	29	5	16	18
12	J	23 & 24	5	17	7	15	7	15	3	19
13	24	J & K	2	27	18	11	20	9	14	15
14	K	24 & 25	14	11	20	5	17	8	15	10
15	24	K & L	8	20	17	11	6	22	2	26
16	L	23 & 24	14	11	4	21	18	7	18	7
		SUBTOTAL	138	308	233	213	272	174	214	232

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2301 K Street

Kevin Fong Design
 Parking Survey
 September 3, 2010

Tuesday Breakdown			9:00AM	12:00PM	5:30PM	8:00PM				
Area Street	Intersection	Total Spaces	OCCUPIED	AVAILABLE	OCCUPIED	AVAILABLE	OCCUPIED	AVAILABLE		
1	L	22 & 23	5	21	15	11	8	18	6	20
2	23	J & K	10	22	17	15	26	6	20	12
3	K	23 & 24	4	21	15	10	15	10	11	14
4	23	K & L	15	11	10	16	15	11	13	13
5	23	L & CAPITAL	13	20	6	27	7	26	6	27
6	L	22 & 23	2	22	11	13	6	18	7	17
7	22	K & L	16	15	19	12	19	12	15	16
8	K	21 & 22	2	21	17	6	12	11	16	7
9	22	J & K	7	33	18	22	28	12	25	15
10	J	22 & 23	0	23	22	1	5	18	6	17
11	23	I & J	19	15	19	15	24	10	18	16
12	J	23 & 24	2	20	7	15	4	18	4	18
13	24	J & K	2	27	18	11	19	10	17	12
14	K	24 & 25	6	19	15	10	18	7	12	13
15	24	K & L	16	12	20	8	4	24	5	23
16	L	23 & 24	9	16	5	20	18	7	12	13
SUBTOTAL			128	318	234	212	228	218	193	253

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2301 K Street

Kevin Fong Design
 Parking Survey
 September 3, 2010

Wednesday Breakdown			9:00AM	12:00PM	5:30PM	8:00PM			
Area Street	Intersection	Total Spaces	OCCUPIED	AVAILABLE	OCCUPIED	AVAILABLE	OCCUPIED	AVAILABLE	
1	L	22 & 23	10	16	14	12	11	15	
2	23	J & K	7	25	17	15	23	9	
3	K	23 & 24	9	18	20	5	18	7	
4	23	K & L	8	18	8	18	16	10	
5	23	L & CAPITAL	10	23	6	27	12	21	
6	L	22 & 23	14	10	12	12	16	8	
7	22	K & L	7	24	18	13	28	3	
8	K	21 & 22	12	11	16	7	19	4	
9	22	J & K	9	31	14	26	35	5	
10	J	22 & 23	6	17	22	1	10	13	
11	23	I & J	15	19	19	15	26	8	
12	J	23 & 24	9	13	9	13	8	14	
13	24	J & K	4	25	16	13	22	7	
14	K	24 & 25	14	11	21	4	15	10	
15	24	K & L	12	16	16	12	7	21	
16	L	23 & 24	16	9	4	21	18	7	
		SUBTOTAL	162	284	232	214	284	162	220
								226	

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2301 K Street

Kevin Fong Design
 Parking Survey
 September 3, 2010

Thursday Breakdown			9:00AM	12:00PM	5:30PM	8:00PM				
Area Street	Intersection	Total Spaces	OCCUPIED	AVAILABLE	OCCUPIED	AVAILABLE	OCCUPIED	AVAILABLE		
1	L	22 & 23	10	16	17	9	11	15		
2	23	J & K	17	15	20	12	30	2		
3	K	23 & 24	8	17	20	5	17	8		
4	23	K & L	9	17	11	15	18	8		
5	23	L & CAPITAL	5	28	5	28	11	22		
6	L	22 & 23	4	20	8	16	11	13		
7	22	K & L	9	22	19	12	29	2		
8	K	21 & 22	14	9	15	8	17	6		
9	22	J & K	12	28	19	21	34	6		
10	J	22 & 23	3	20	20	3	7	16		
11	23	I & J	14	20	17	17	28	6		
12	J	23 & 24	3	19	9	13	5	17		
13	24	J & K	11	18	21	8	22	7		
14	K	24 & 25	4	21	22	3	20	5		
15	24	K & L	15	13	20	8	6	22		
16	L	23 & 24	4	21	3	22	20	5		
		SUBTOTAL	142	304	246	200	286	160	211	235

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2301 K Street

Kevin Fong Design
 Parking Survey
 September 3, 2010

Friday Breakdown			9:00AM	12:00PM	5:30PM	8:00PM				
Area Street	Intersection	Total Spaces	OCCUPIED	AVAILABLE	OCCUPIED	AVAILABLE	OCCUPIED	AVAILABLE		
1	L	22 & 23	12	14	20	6	7	19	9	17
2	23	J & K	20	12	25	7	20	12	21	11
3	K	23 & 24	8	17	20	5	22	3	22	3
4	23	K & L	7	19	12	14	14	12	16	10
5	23	L & CAPITAL	6	27	7	26	9	24	13	20
6	L	22 & 23	4	20	11	13	14	10	16	8
7	22	K & L	7	24	26	5	21	10	22	9
8	K	21 & 22	18	5	16	7	20	3	20	3
9	22	J & K	15	25	28	12	22	18	27	13
10	J	22 & 23	5	18	18	5	12	11	16	7
11	23	I & J	18	16	20	14	21	13	20	14
12	J	23 & 24	2	20	7	15	5	17	4	18
13	24	J & K	15	14	23	6	16	13	17	12
14	K	24 & 25	5	20	22	3	23	2	22	3
15	24	K & L	15	13	23	5	19	9	21	7
16	L	23 & 24	2	23	2	23	6	19	8	17
		SUBTOTAL	159	287	280	166	251	195	274	172

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 Sacramento, CA 95831
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2301 K Street

Kevin Fong Design
 Parking Survey
 September 3, 2010

Saturday Breakdown			9:00AM	12:00PM	5:30PM	8:00PM				
Area Street	Intersection	Total Spaces	OCCUPIED	AVAILABLE	OCCUPIED	AVAILABLE	OCCUPIED	AVAILABLE		
1	L	22 & 23	8	18	18	8	20	6		
2	23	J & K	24	8	26	6	21	11		
3	K	23 & 24	11	14	14	11	13	12		
4	23	K & L	19	7	21	5	18	8		
5	23	L & CAPITAL	12	21	15	18	25	8		
6	L	22 & 23	17	7	16	8	17	7		
7	22	K & L	8	23	12	19	19	12		
8	K	21 & 22	1	22	9	14	15	8		
9	22	J & K	14	26	19	21	23	17		
10	J	22 & 23	1	22	8	15	14	9		
11	23	I & J	25	9	28	6	28	6		
12	J	23 & 24	2	20	11	11	15	7		
13	24	J & K	10	19	15	14	19	10		
14	K	24 & 25	8	17	20	5	21	4		
15	24	K & L	14	14	20	8	22	6		
16	L	23 & 24	6	19	5	20	9	16		
		SUBTOTAL	180	266	257	189	299	147	404	42

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2301 K Street

Kevin Fong Design
 Parking Survey
 September 3, 2010

Sunday Breakdown			9:00AM	12:00PM	5:30PM	8:00PM				
Area	Street Intersection	Total Spaces	OCCUPIED	AVAILABLE	OCCUPIED	AVAILABLE	OCCUPIED	AVAILABLE		
1	L	22 & 23	9	17	10	16	7	19		
2	23	J & K	21	11	26	6	14	18		
3	K	23 & 24	16	9	18	7	16	15		
4	23	K & L	12	14	15	11	12	14		
5	23	L & CAPITAL	10	23	26	7	11	22		
6	L	22 & 23	12	12	21	3	12	17		
7	22	K & L	21	10	24	7	20	11		
8	K	21 & 22	11	12	10	13	6	17		
9	22	J & K	12	28	14	26	18	22		
10	J	22 & 23	7	16	10	13	9	14		
11	23	I & J	15	19	14	20	24	10		
12	J	23 & 24	5	17	17	5	7	15		
13	24	J & K	11	18	14	15	9	20		
14	K	24 & 25	12	13	13	12	19	6		
15	24	K & L	11	17	10	18	17	11		
16	L	23 & 24	9	16	12	13	7	18		
		SUBTOTAL	194	252	254	192	204	242	204	242

Kevin Fong Design
 2 Stillshore Court
 Sacramento, CA 95831
 (916) 428-5008



September 16, 2010

Robert Williams
City of Sacramento Community Development Department
300 Richards Blvd, 3rd Floor
Sacramento, CA 95811

Project: Z10-053 Cornerstone Restaurant at 2301 K Street
Subject: Proposed Special permit to waive parking

Dear Robert:

After hearing the give and take at the September 2 hearing on the proposed subject project, I continue to have major concerns. While the Cornerstone owners have attempted to address the issues raised in my previous letter, their response is inadequate and indeed raises new issues.

PARKING

Since the restaurant will be open from 6 am until 2 am, renting 7 or less parking spaces in the evening for employees will not help very much. Providing 10 valet spaces during lunch and dinner helps, but not only does it not solve the breakfast rush, but it won't be effective since it is unlikely for Cornerstone customers to use valet service (Ella maybe, Cornerstone no).

It is true that some customers have biked and walked to the restaurant in the past. However, the existing credit for the 10 parking spaces already compensates for this.

The reason that midtown and downtowns in general are successful is the balance of commercial and residential uses. Fortunately, the City of Sacramento has recognized that keeping and encouraging residential development in these areas will keep midtown and downtown viable and energized. Parking decisions need to favor the residents because theirs is a 24/7 commitment, while commercial is much less. The corner of 23 and K Streets currently is predominantly residential. Even without the waiver, the project will impact residential parking not only on this corner but in the surrounding blocks. With the waiver, the situation will be terrible.

ARCHITECTURE AND
PROJECT MANAGEMENT

■ 2320 J STREET, SACRAMENTO, CALIFORNIA 95816
TEL 916.446.6227 FAX 916.446.7877

Robert Williams

September 16, 2010

Page 2

TRASH

I was shocked to learn that the City of Sacramento will even contemplate allowing anyone to place a dumpster on the alley behind someone else's property. When I renovated my property on J Street, not only was I required to provide a dumpster on my property, but I was required at great expense to build an enclosure around it.

Because of Cornerstone's history with poor trash maintenance, they should be required to store their trash inside their building. This would eliminate any risk of trash spilling on the public sidewalk along 23 Street due to transport as well as in the alley.

SUMMARY

As a property owner on the block and newly concerned midtown resident, I recommend against the waiver of parking for the Cornerstone project. In addition I recommend that the design be modified to provide trash storage within the building.

Sincerely,



Franc Blackbird, AIA



August 27, 2010

Robert Williams
City of Sacramento Community Development Department
300 Richards Blvd, 3rd Floor
Sacramento, CA 95811

Project: Z10-053 Cornerstone Restaurant at 2301 K Street
Subject: Proposed Special permit to waive parking

Dear Robert:

I am a long standing customer and neighbor of Cornerstone Restaurant and own the property at 2320 J Street. In addition, I am an architect and am familiar with the City of Sacramento zoning and design review requirements. For that reason I would like to share my concerns about the proposed project at 2301 K Street.

PARKING

What is the compelling reason that this project should not conform to the City of Sacramento parking requirements? Since there was no justification given in the notice, I can only surmise that it is simply a cost saving measure for the building owners and tenants. The other restaurants in the neighborhood (Chicago Fire, Thai Basil, etc.) had to comply, why not Cornerstone? When I moved my architectural business to this location, I had to comply with the regulations. All of the projects that I have processed through the City have had to comply with all of the zoning requirements. Why not this one? It seems to me that all projects should be treated the same and if the rules are too strict, then the City should change the rules, not allow "special permits" on an arbitrary basis instead.

Even though the restaurant is only moving around the block, the parking impact to the neighborhood residents will be much greater than the current situation, simply because there are more residents located near the new corner. I agree with encouraging the mixture of residential and commercial functions in Midtown, but believe that we should be especially sensitive to the needs of the residents, since they spend more time here than those of us who just work here.

ARCHITECTURE AND
PROJECT MANAGEMENT

2320 J STREET, SACRAMENTO, CALIFORNIA 95816
TEL 916.446.6227 FAX 916.446.7877

Robert Williams

August 27, 2010

Page 2

TRASH

The proposed design has no accommodation for a trash enclosure, a dumpster for the restaurant or trash receptacles for the two apartments. Again, this is a zoning requirement that should be addressed. I would like to share my personal experience with Cornerstone's trash history. Over the years, the walkway between the current restaurant and the former Taco Loco has been an area of loose trash, eggshells, spilled liquids and foods to the point that it is too disgusting to walk through. I believe that the majority if not all of the debris is from the Cornerstone restaurant.

In the past, the two restaurants shared a 3 yard dumpster located next to my (zoning compliant) trash enclosure. The dumpster was emptied once per day. However, it was continuously overflowing, smelly, attracted rodents and bugs and was an eyesore to the alley. It was so often overfilled that when it was emptied, more trash would fall in the alley and get spread throughout the neighborhood. More recently Taco Loco closed and Cornerstone now has its own 3 yard dumpster which has moved closer to the restaurant. This has been a great improvement to the alley safety and appearance.

However, it is clear that there MUST be an enclosed space established for at least a 3 yard dumpster for the restaurant or the unattractive, unhealthy, unsafe, smelly, rodent attracting condition will now be on the public street sidewalk instead of just the alley.

FENCING

I would recommend that this project provide security fencing at the 2nd level exit stair and the rear walkway so that overnighters won't move in. The walkway in particular has been a chronic location for messy and unsanitary campers in the past years.

HOURS

The hours noted in the application say 6 am to 2 am. The late hour is much different than the current Cornerstone schedule and implies that not only will dinner be served but very likely alcohol. I believe that permitting a bar at this location should be processed in a much different way.

SUMMARY

The neighborhood will benefit from converting the vacant and deteriorating church building into a viable function. However, the City's zoning requirements regarding parking, trash enclosures and safety should be followed by the new tenant.

Sincerely,



Franc Blackbird, AIA

City of Sacramento
Community Development Dept.
300 Richards Blvd.
Sacramento, CA 95811

September 2, 2010

Re: Project # Z10-053 (Testimony at 9/2/10 hearing)

To Whom It May Concern:

My wife and I have owned the four-unit apartment building at **2225 K Street** for 35 years. Our building is located one lot (40') away from the corner of 23rd and K Streets. We bought it in rundown condition and have spent decades upgrading it to a quality structure that has been home to doctors, interior designers, lobbyists, authors, radio personalities and, even a Pulitzer Prize winning newspaper reporter.

During our decades of ownership, our limited resources required us to provide virtually all of the thousands of hours of labor to upgrade and maintain the property. In recent years it has come to provide a significant income stream upon which I (a retired school district employee) and my family rely for retirement income.

In the early years, renting the units was effortless because of the location, the size and quality of the units, and the availability of on-street parking in the immediate area (our small 40'x80' corner lot has no alley access and no open area available for parking behind the structure). Over the years, however, providing even minimal parking has been an ever-increasing challenge.

In the past 15 years or so there has been a determined effort on the part of the city to restrict or eliminate access of tenants (ours and others) to parking within a safe and practical distance of their homes. **At present, we are on the verge of no longer being able to assure prospective tenants that parking will be available should they rent in our building.** At present, we are still able to rent units because tenants can still find a parking space or two on 23rd Street provided they apply for and obtain the required "K" permit. (The length of K Street in front of our building is now "off-limits" to tenants. It is signed "One-Hour Parking" with no permits in spite of the fact that five of the six structures located there are multiple-residential!)

Should the Cornerstone Restaurant move into the structure at the corner of 23rd and K Streets, it appears painfully obvious to me that the few remaining parking spaces currently available to my tenants would cease to exist making my units virtually unrentable and forcing my lifelong family business . . . out of business. The city has been quick to point out that there are no alternative uses for my existing building in spite of the area's commercial zoning. The loss of our retirement income would be devastating. In addition, our fully-renovated, fully-rented apartment building would quickly become a "deserted" (chronically and completely vacant) structure and, therefore, a very attractive target for undesirables. It was already nearly burned to the ground by a serial arsonist . . . while it was occupied! I should add that the four-unit residential structure between us and the corner of 23rd and K is in the identical situation. This move could potentially dispossess almost one resident for every one parking space being requested by the Cornerstone Restaurant.

I am keenly aware of the many efforts (in-fill, high density, condos, etc.) being undertaken to provide desperately needed housing for Sacramento's residents. We have worked tirelessly for over 30 years to help meet that need and to ensure that we would be able to "fund" our retirement without imposing on others. Please help us to continue to live our dream.

Sincerely,


Larry R. Crabbe



August 26th, 2010

City of Sacramento, Community Development Department
300 Richards Blvd., 3rd Floor
Sacramento, CA 95811-0

**Proposal for Cornerstone Café Relocation
#007-0095-021-0000**

Dear Mr. Williams:

It was a pleasure to hear that the relocation of the Cornerstone Café is progressing. I am a long-time nearby K Street commercial property owner and business owner in the neighborhood and have watched this section of K Street develop for over 20 years. I am hopeful that the new location can be an upgrade from the current location. I support the Cornerstone's new location but have a few very important issues that I would strongly request that the City require the owner's to conduct their business differently than in their current location. These are similar conditions that the City placed on the relocation of the former Truelove Coffee House to K Street. These concerns are the following:

1. Mandate professional regular cleaning of all visible sidewalks where outdoor table service is planned to remove grease and other stains on a regular basis.
2. Prohibit white/green plastic or molded resin (Walmart/Target) low-cost seating and tables and require upgraded seating of powder coated metal to convey a more historic and tailored streetscape image.
3. Require that any sidewalk fencing for outdoor seating be architecturally designed to accent, support and enhance the style and character of the old church's historic architecture.
4. Require that any exterior planters, pots, bike racks or containers for trash, plants or newspaper racks be organized, designed and of such a character to accent, support and enhance the style and character of the old church's historic architecture.
5. Require that the planter strip in front and adjacent to the building and streets be maintained, planted/irrigated and/or covered in a material such as decomposed gravel.
6. Require any window awnings, interior window blinds and/or other covers to be appropriate to accent, support and enhance the style and character of the old church's historic architecture.
7. Prohibit umbrellas that advertise food and beverage manufacturers and require color coordinated fabrics that accent, support and enhance the style and character of the old church's historic architecture.
8. Require a 12-bike rack to be installed as a basic trade for no parking supplied on-site. The design and placement of the rack should accent, support and enhance the style and character of the old church's historic architecture.

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AWARD-WINNING
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ORR DESIGN OFFICE, INC.

MAIN OFFICE 2319 K STREET, 2ND FLOOR
SACRAMENTO, CA 95816
TEL 916.441.4500 FAX 916.438.1553
BAY AREA TEL 925.587.4200 / 408.371.4200 / 415.482.0300

E-MAIL design@orrdesign.com
ONLINE www.ORRdesign.com
www.ORRdreamhouse.com

I feel that the above eight suggestions are a reasonable measure considering that they operators have no expenses related to on-site parking. These measures will support an enhanced image of the K Street 23rd, 24th block and corridor.

Please keep me informed. I will be unable to attend the meeting but would request that the Zoning Administrator address these comments at the meeting.

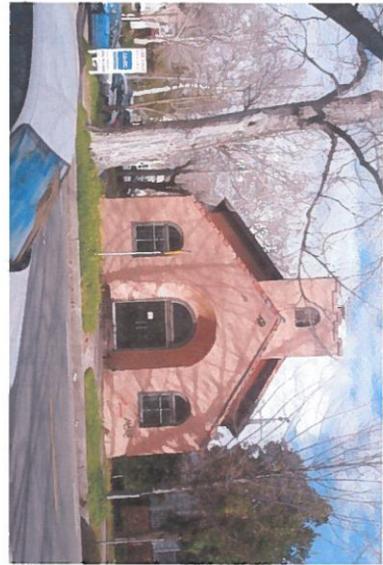
Thank You

A handwritten signature in black ink, appearing to read "Gary Orr". The signature is fluid and cursive, with a large initial "G" and "O".

Gary Orr, Principal and Director of Design

Owner- ORR Design Office
2319 K Street, Suite 200
Sacramento, CA 95816

Exhibit 1J Photos



FRONT(SOUTH)



FRONT(SOUTH) AND ADJACENT BUILDING



FRONT(SOUTH) AND ADJACENT BUILDING



RIGHT SIDE(EAST)



RIGHT SIDE (EAST)

CORNERSTONE RESTAURANT
2301 K-STREET
SACRAMENTO, CA. 95819



LEFT SIDE(WEST)



LEFT SIDE(WEST)AND REAR(NORTH)



LEFT SIDE(WEST) AND ADJACENT BUILDING

CORNERSTONE RESTAURANT
2301 K-STREET
SACRAMENTO, CA. 95819

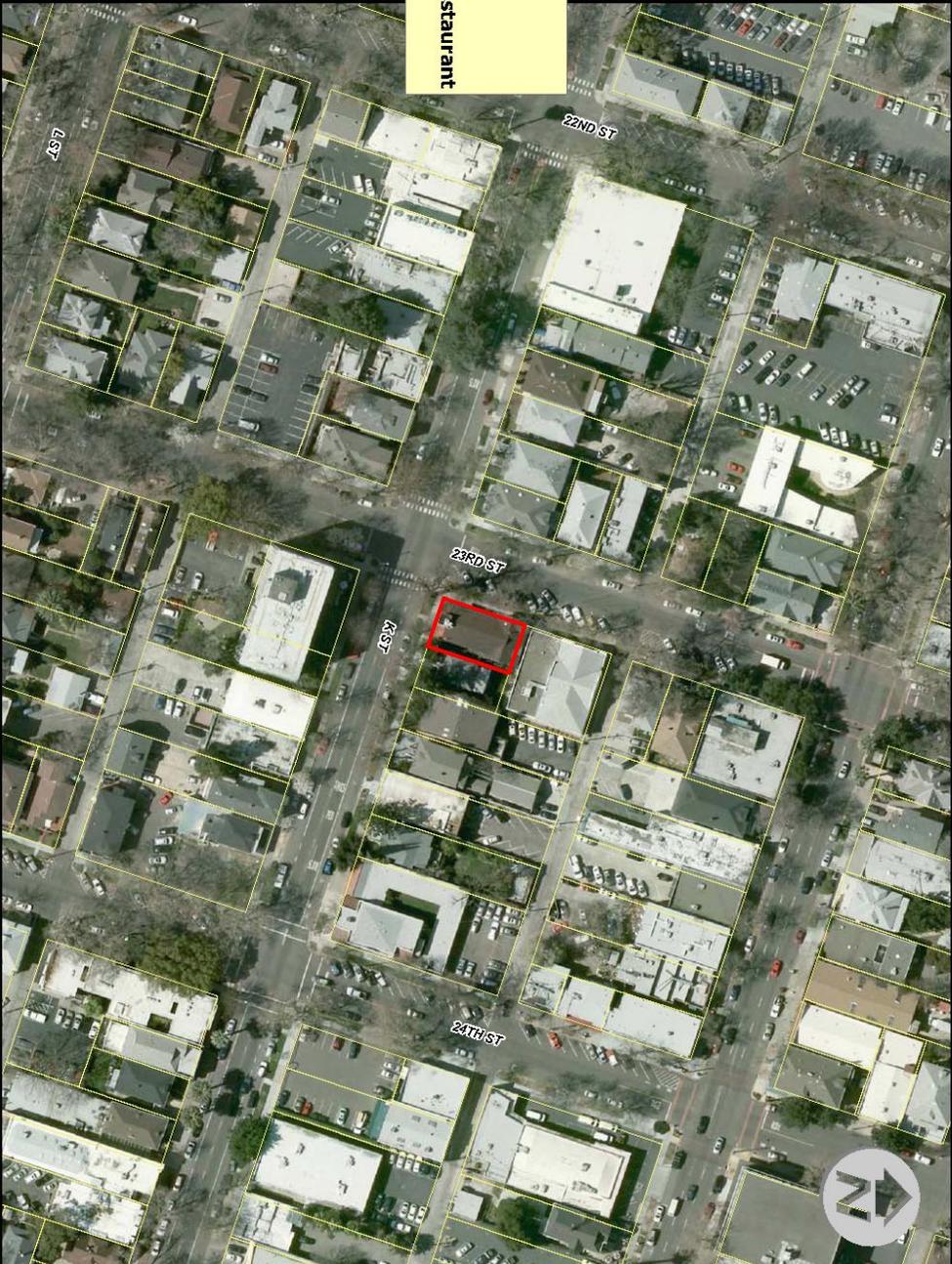


BUILDING ON THE SOUTH



BUILDING ON THE WEST

CORNERSTONE RESTAURANT
2301 K-STREET
SACRAMENTO, CA. 95819



City of Sacramento
Community Development
Department
Current Planning
Division

Z10-053
& DR10-110

2301 K Street
007-0095-021-0000
C-2-NC zone
Special Permit:
Parking Waiver for restaurant
Central City DR

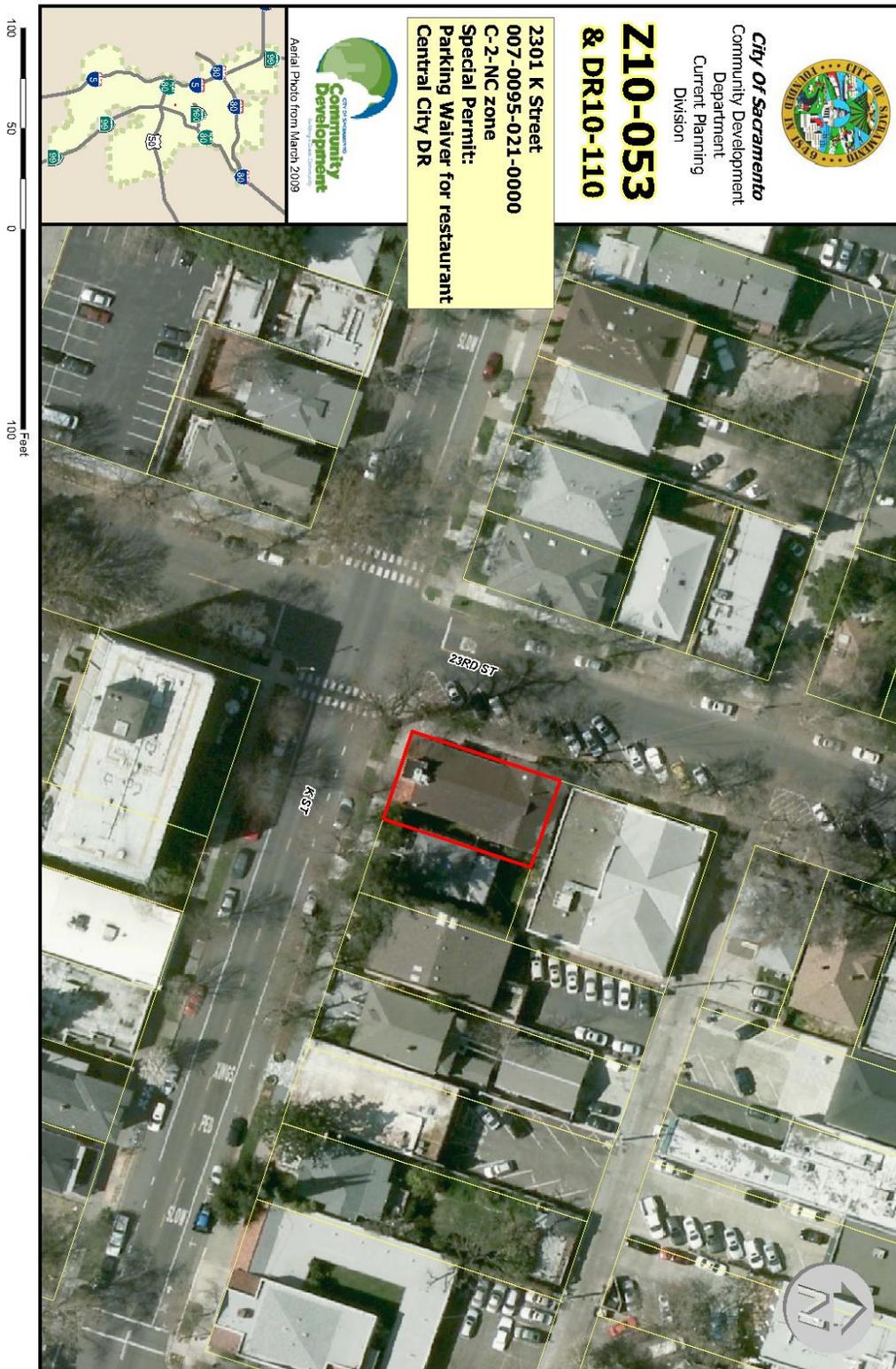
City of Sacramento
Community Development

Aerial Photo from March 2009

100 50 0 100 Feet

22ND ST
23RD ST
24TH ST
K ST







Attachment 3 Land Use & Zoning Map

