

MINUTE ITEM

This Calendar Item No. C05 was approved as
Minute Item No. 05 by the California State Lands
Commission by a vote of 2 to 0 at its
9-11-97 meeting.

**CALENDAR ITEM
C05**

A 5
S 6

07/11/97
PRC 6015 WP 6015.1
L. Burks

**AMENDMENT OF GENERAL LEASE - COMMERCIAL USE
PRC NO. 6015.1; APPROVAL OF "AGREEMENT AND
CONSENT TO ENCUMBRANCING OF LEASE";
APPROVAL OF THREE SUBLEASES**

LESSEE:

River View Marina, a Limited Partnership
Attn: Edmund J. Coyne
901 Tamalpais Avenue, Suite 200
San Rafael, California 94901

AREA, LAND TYPE, AND LOCATION:

3.86 acres, more or less, of tide and submerged lands in the Sacramento River,
adjacent to the Garden Highway, near the city of Sacramento, Sacramento
County.

AUTHORIZED USE:

50 covered boat berths; 32 uncovered boat berths; 450 linear feet (13 berths) of
side ties; 400 linear feet of side ties; restaurant/bar operation; floating debris
deflector; harbor masters barge; yacht sales; pumpout station.

LEASE TERM:

30 years, beginning January 1, 1981.

CONSIDERATION:

A Minimum Annual Rent of \$8,000 per year, against a percentage of gross
receipts, whichever is greater.

PROPOSED AMENDMENT:

1. Amend lease to establish payment plan for all back rents, penalty and interest incurred and owing by Lessee as of June 30, 1997.
2. Amend lease for consent to encumbrance of the Lease.
3. Amend lease to increase the surety bond amount to \$20,000.
4. Amend lease to change the method and time of payment on all future rents owing on Lease No. PRC 6015.1.

CALENDAR ITEM NO. **C05** (CONT'D)

5. Amend lease to change the percentage of gross rate for the restaurant/bar operations, and establish rental rates for yacht sales and boat charter.

All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Applicant owns a portion of the uplands and has a right to use other uplands adjoining the lease premises.
2. Lessee has requested approval of an encumbrance agreement in the amount of \$750,000 in favor of Luther Burbank Savings and Loan Association as secured party lender.
3. Lessee has requested approval of three subleases: (1) Britannia Yacht Sales; (2) Halcyon Days; and (3) Jammin' Salmon.
4. Lessee has agreed to a payment plan for all back rents, penalty and interest incurred and owing by River View Marina as of June 30, 1997.
5. Lessor has changed the percentage of gross rate for the restaurant/bar operations, and established rental rates for yacht sales and boat charter.
6. As to the approval of the subleases (1) and (2):
Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905(a)(2).
7. As to the approval of sublease (3):
A Mitigated Negative Declaration and Mitigation Monitoring Program were adopted for this project by the Sacramento City Planning Commission. The State Lands Commission's staff has reviewed such document.
8. As to the approval of the encumbrance agreement and payment plan:
Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by the CEQA

CALENDAR ITEM NO. C05 (CONT'D)

and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

9. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A-1. Site Map - marina
- A-2. Site Map - harbor masters barge
- B. Location Map
- C. Mitigated Negative Declaration and Mitigation Monitoring Plan

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

AS TO THE APPROVAL OF THE SUBLEASES (1) AND (2):
FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905(a)(2).

AS TO THE APPROVAL OF SUBLEASE (3):
FIND THAT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PLAN WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE SACRAMENTO CITY PLANNING COMMISSION AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN EXHIBIT C.

CALENDAR ITEM NO. C05 (CONT'D)

AS TO THE AMENDMENT OF LEASE, ENCUMBRANCE AGREEMENT AND THE PAYMENT PLAN:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

1. AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 6015.1, A GENERAL LEASE - COMMERCIAL USE, OF LANDS SHOWN ON EXHIBITS A- AND A-2 ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE JULY 1, 1997, TO (1) AMEND LEASE TO ESTABLISH PAYMENT PLAN FOR ALL BACK RENTS, PENALTY AND INTEREST INCURRED AND OWING BY LESSEE AS OF JUNE 30, 1997; (2) AMEND LEASE FOR CONSENT TO ENCUMBRANCE OF THE LEASE; (3) AMEND LEASE TO INCREASE THE SURETY BOND AMOUNT TO \$20,000; (4) AMEND LEASE TO CHANGE THE PERCENTAGE OF GROSS RATE FOR THE RESTAURANT/BAR OPERATION, AND ESTABLISH RENTAL RATES FOR YACHT SALES AND BOAT CHARTER; AND (5) AMEND LEASE TO CHANGE THE METHOD AND TIME OF PAYMENT ON ALL FUTURE RENTS OWING ON LEASE NO. PRC 6015.1. ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.
2. AUTHORIZE EXECUTION OF THE DOCUMENT ENTITLED "AGREEMENT AND CONSENT TO ENCUMBRANCING OF LEASE" IN THE AMOUNT OF \$750,000 ON FILE IN THE OFFICE OF THE COMMISSION, IN FAVOR OF LUTHER BURBANK SAVINGS AND LOAN ASSOCIATION AS SECURED PARTY LENDER.
3. AUTHORIZE, BY ENDORSEMENT, THE FOLLOWING SUBLEASES:

CALENDAR ITEM NO. C05 (CONT'D)

- A. TO THE JAMMIN' SALMON, SAID SUBLEASE IS ON FILE IN THE OFFICE OF THE COMMISSION AND BY REFERENCE MADE A PART HEREOF.
- B. TO BRITANNIA YACHT SALES, SAID SUBLEASE IS ON FILE IN THE OFFICE OF THE COMMISSION AND BY REFERENCE MADE A PART HEREOF; AND
- C. TO HALCYON DAYS, SAID SUBLEASE IS ON FILE IN THE OFFICE OF THE COMMISSION AND BY REFERENCE MADE A PART HEREOF.

CALENDAR PAGE	77
MINUTE PAGE	001098

This exhibit is solely for purposes of generally defining the lease premises and is not intended to be, nor shall it be construed as, a waiver or limitation of State interest in the subject or any other property.

MINUTE PAGE WP 6015 Exhibit A-78
013000



River View Marina

River View...only minutes from downtown Sacramento amidst the country quiet.

River View...a statement about class and distinction.

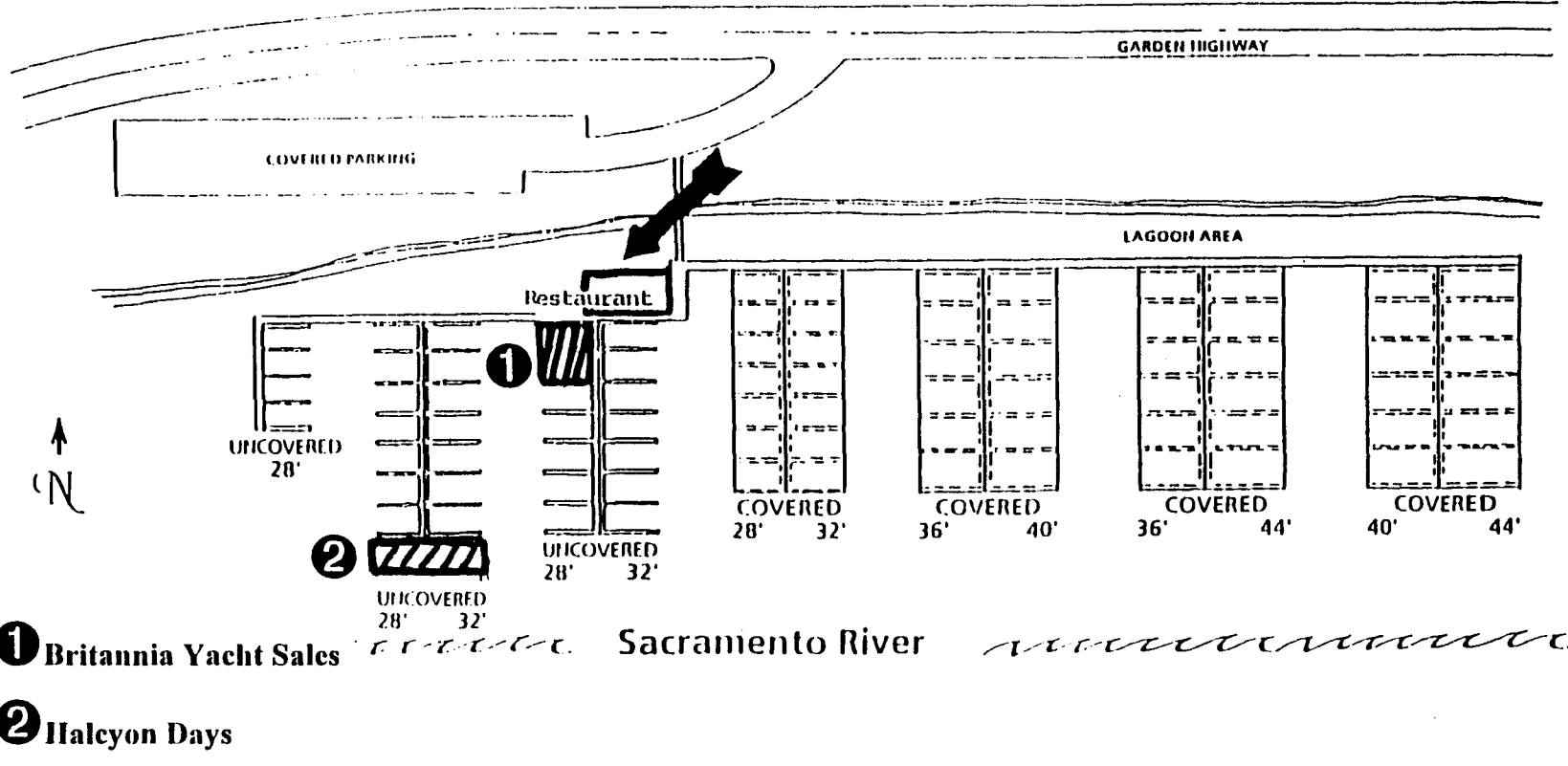
"Best River View Dining"

Lunch
Mon-Fri
11:30-3 pm

Dinner
Sun-Thurs
5-9 pm
Fri-Sat
5-10 pm

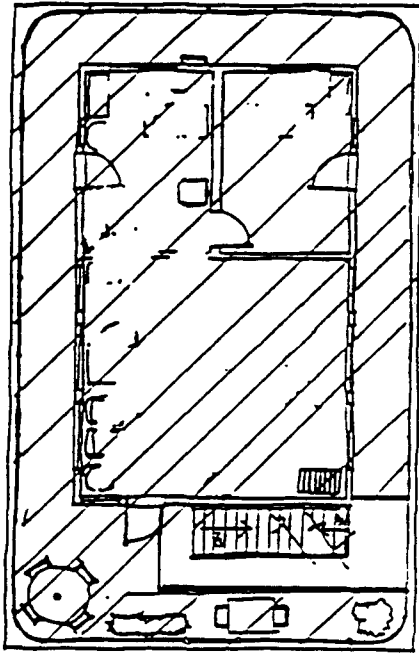
Sunday Brunch
9-3 pm

929-6232



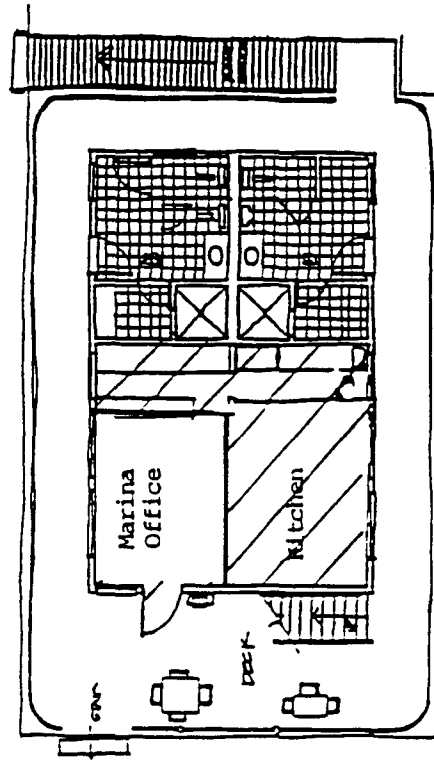
- 1** Britannia Yacht Sales
- 2** Halcyon Days

Premises shown cross-hatched.

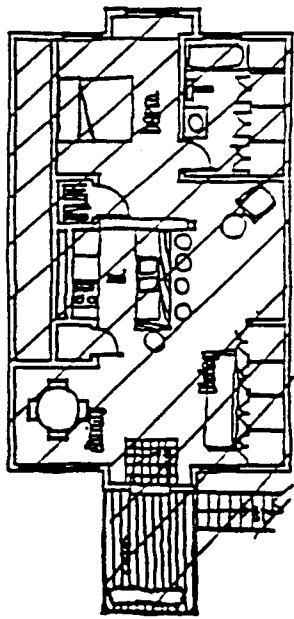


Restaurant

SECOND LEVEL

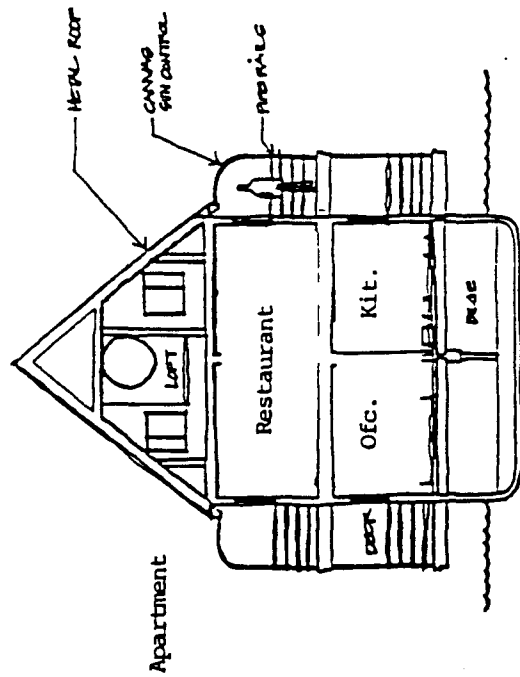


INTEREST LEVEL



Apartment

LOFT LEVEL



Apartment

MEZZANINE

This exhibit is solely for purposes of generally defining the lease premises and is not intended to be, nor shall it be construed as, a waiver or limitation of State interest in the subject or any other property.

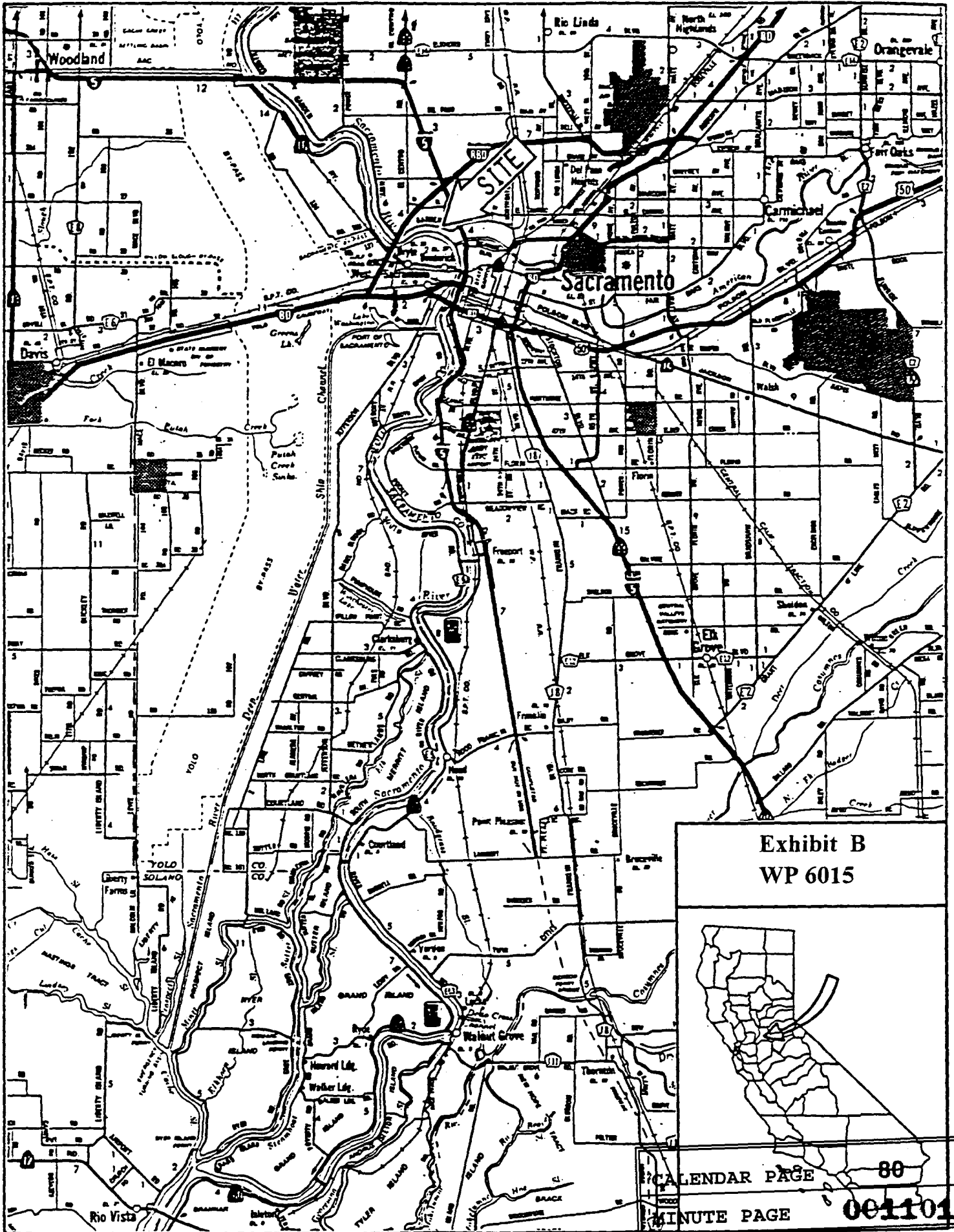
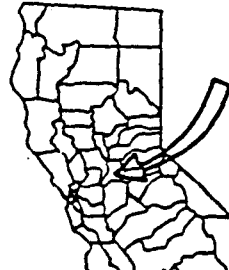


Exhibit B
WP 6015



CALENDAR PAGE	80
MINUTE PAGE	001101

CITY PLANNING COMMISSION
 SACRAMENTO, CALIFORNIA
 MEMBERS IN SESSION:

ITEM # 1
 NOVEMBER 18, 1993
 PAGE 1

P91-158 - JAMMIN SALMON RESTAURANT

- REQUEST:**
- A. Negative Declaration.
 - B. Mitigation Monitoring Plan.
 - C. Special Permit to allow a 49 seat restaurant on 3.85+ developed acres in the Flood (F) zone.
 - D. Variance to allow the required parking for a 49 seat restaurant to be located off-site on an adjacent parcel.

LOCATION: 1801 Garden Highway
 274-0030-063-0000
 South Natomas
 Council District 1

APPLICANT:	Doyle K. Bailie, 929-6232 1801 Garden Highway, Sacramento, CA 95832
OWNER:	Ed Coyne, (415) 453-0451 901 Tamalpais Avenue #200, San Rafael, CA 94901
PLANS BY:	Roger Scott Group, 2728 J St., Sacramento, CA 95816
APPLICATION FILED:	June 20, 1991
STAFF CONTACT:	Dawn Holm, 264-5851

SUMMARY/RECOMMENDATION:

The applicant is requesting the necessary entitlements to allow the legal conversion of a small deli to a 49 seat restaurant. The restaurant has been operating without the necessary planning entitlements for approximately four years. Since the application was submitted, several issues regarding land use compatibility have been raised by members of the Riverview Homeowner's Association. Planning staff have been working with the restaurant owner, marina owner, Homeowner's Association and the attorney for the Association to try and reach a compromise on the proposed project. After a lot of effort by all parties and the addition of several conditions, Planning staff recommends approval of the proposed project. The restaurant is temporarily closed for the season and the restaurant owner is planning on reopening by Spring 1994.

CALENDAR PAGE 81

MINUTE PAGE 001102

PROJECT INFORMATION:

General Plan Designation:	Parks, Recreation, Open Space
Community Plan Designation:	Riverfront District
Existing Land Use of Site:	Marina, Restaurant, and Townhouses
Existing Zoning of Site:	Flood (F)

Surrounding Land Use and Zoning:

North: Swallow's Nest Condos; R-1A
 South: Sacramento River and Marina; F
 East: Vacant and Marina; F
 West: Townhouses and Single Family; F

Property Dimensions:	Irregular
Property Area:	3.85 _± gross acres
Square Footage of Proposed Restaurant:	1,856 square feet
Seating Capacity of Proposed Restaurant:	49 seats
Height of Existing Building:	3 stories
Exterior Building Materials:	Wood Siding
Roof Material:	Aluminum Roof
Parking Available Off-Site:	75 spaces
Required/Provided Parking for Restaurant:	16 spaces
Required/Provided Parking for Marina:	58 spaces
Required/Provided Parking for Apartment:	1 space
Topography:	Sloped
Street Improvements:	Existing
Utilities:	Existing

OTHER APPROVALS REQUIRED: In addition to the entitlements requested, the applicant will also need to obtain the following permits or approvals, including, but not limited to:

<u>Permit</u>	<u>Agency</u>
Building Permit	Building Division
Health Permit	County Environmental Health

BACKGROUND INFORMATION:

The subject site was annexed into the South Natomas Community Plan area on July 3, 1984. On September 4, 1985, the City Council approved an amendment of the South Natomas Community Plan to allow the proposed marina and residential mixed use project in the River Front District (P84-187). That request also included a special permit to develop 13 townhouses and to expand an existing marina from 82 berths to 135 berths. Parking for the marina was to be located under the townhouses. The existing marina currently is developed with 116 berths. At the time of annexation, the existing restaurant was a deli on the first floor, there was an architect's office located on the second floor.

CALENDAR PAGE	82
MINUTE PAGE	001103

and there was an apartment on the third floor of the floating barge. Approximately four years ago, the deli was converted into a full service restaurant and has been operating as a restaurant, without a special permit. Once informed of the need for a special permit, the applicant submitted an application requesting the necessary entitlements to legalize the existing restaurant.

At the time the application was submitted the applicant was requesting the approval of an 83 seat restaurant. In discussing the proposed project with the Building Division it was determined that extensive structural changes would be required to be made to the existing barge, and a second exit ramp from the marina to the levee would need to be constructed if the seating capacity exceeded 49 persons. Based upon this information, the applicant has agreed to not exceed a seating capacity of 49 persons.

STAFF EVALUATION: Staff has the following comments:

A. Policy Considerations

The General Plan designates the site for Parks, Recreation and Open Space. The site is designated as Riverfront District in the South Natomas Community Plan. There is an existing policy in the South Natomas Community Plan that restricts the number of restaurants within the Riverfront District to a maximum of five. If this request is approved, this would establish the fifth restaurant within the South Natomas Community Plan Riverfront District. The addition of a restaurant to the marina and townhouse development will provide a good mix in uses provided that the potential impacts are mitigated.

B. Site Plan Design/Zoning Requirements

1. Land Use Compatibility

The subject site is located within the South Natomas Riverfront District and is in the Flood (F) zone. A restaurant is an allowable use, subject to the approval of a special permit. The special permit is required to ensure that the proposed use will be compatible with the surrounding land uses. The applicant is requesting to legalize the conversion of a previous deli to a 49 seat restaurant.

Since the application was submitted, there have been several changes to the applicant's request based upon information regarding building and fire codes. In addition, once the adjacent property owners were notified of the proposed project, Planning staff was informed of the problems that had been occurring at the restaurant location. Several letters were received indicating that the existing illegal restaurant was causing traffic, noise, odor and parking problems for the owners of the townhouses. For the past 18 months, Planning staff have been working to try and determine whether, through conditions, the impacts of the restaurant could be eliminated.

Since the application was submitted, there have been several meetings between all of the involved parties to try and reach a compromise on the applicant's request. Recently, with the cooperation of the restaurant owner, the Homeowner's Association, and the Association's attorney, Planning staff have been able to address all of the concerns through specific conditions. The conditions that are being recommended include restricting the hours of operation, restricting the liquor license to beer and wine only, and that live entertainment would only be allowed by the agreement of the association.

2. Seating capacity

At the time of submittal the applicant was requesting approval of an 83 seat restaurant. In visiting the site with the Building Division staff it was determined that without a second ramp going from the marina to the levee the maximum seating capacity allowed would be 49 persons. In considering the financial impacts of a second ramp, the applicant reduced the requested seating capacity to 49 seats. To satisfy building code requirements, the applicant will be required to construct a second staircase from the second floor to the first floor of the barge. As proposed, the staircase will be located on the levee side of the barge on the side closest to the townhouses.

To attempt to mitigate the noise impacts from the second staircase and to try and maintain some privacy for the homeowners, it is being recommended that the applicant enclose the staircase. Planning staff is recommending that a canvas, wood or metal awning type covering be placed over and around the staircase. The applicant would be required to maintain the covering in good condition and should consider maintenance when selecting the type of covering to be used. Detailed plans of the staircase and enclosure will be required to be submitted to the Planning Director prior to submitting plans for a building permit.

In addition, there have been concerns raised over the restaurant's outdoor seating. To reduce the noise and maintain privacy for the homeowners, Planning staff is recommending that all of the outdoor seating be located out of the direct line of site of the adjacent residents. With only 49 seats, there will be adequate space to provide outdoor dining using only the north and east sides of the barge. It is recommended, that the outdoor seating only be approved directly along the inside walls of the barge (Exhibit D-2). Planning staff is recommending that the floor of the barge on the southwest corner be marked in red indicating "no seating" past this point. In addition, on the northeast corner by the staircase, Planning staff is recommending that some type of barrier be installed to prevent tables from being located in the corner. A mixture of rope with some tall plants would prevent patrons or employees from locating additional outdoor seating in this area.

3. Noise/Odor

As the existing restaurant has been operating with a temporary grill located outside of the structure, there has been significant noise and odors that has affected several of the adjacent homeowners. If the special permit to allow the restaurant is approved, the applicant will be constructing a permanent kitchen on the second floor of the existing barge. The applicant has submitted detailed drawings and information on an odor control system that will reduce odor emissions. In addition, the applicant has agreed to cook with propane and not to use charcoal or mesquite in the grilling of food.

With the addition of a permanent kitchen, exhaust systems will be required to be constructed on the roof of the barge. The homeowner's association has been in contact with a noise consultant and has requested that, prior to the reopening of the restaurant, a noise study be done. Planning staff has reviewed the noise consultant's recommendation and have determined that the homeowner's request is reasonable in considering the proximity of the restaurant to a couple of the residential units. A copy of the noise consultant's recommendations with a cost estimate is attached as Exhibit D-5. In addition, Planning staff have talked with the manufacturer of the equipment to be utilized and was informed that the dB ratings of the equipment at a 50 foot distance would be 53 dB. The closest residential unit is approximately 100 feet away; therefore, the noise generated from the roof equipment should not create a problem.

If upon installation of the equipment, the noise study does indicate a problem, it will be possible to mitigate the noise through a solid type of wall around the equipment. Planning staff have discussed the equipment enclosure with the Building Division and were informed that as long as there was not a cover over the top, a solid or noise reducing wall around the equipment would be allowed.

4. Trash Enclosure

Since the marina was constructed, a private refuse company has provided the waste removal service. In addition, the dumpsters were located underneath the townhouses in a required parking space. A trash enclosure to surround the dumpsters was never constructed.

As the marina and especially with the addition of a restaurant, has putrescible (wet) waste, City of Sacramento waste removal service is required. Staff from the Planning Division and Solid Waste Division have visited the site. The owner of the property was informed, in writing, that City Service was required and the dumpsters would need to be relocated to the top of the levee for safety reasons. At the present time, the dumpster has been relocated to the top of the levee but the required enclosure has not been constructed. Planning staff is recommending that the required enclosure be constructed, prior to the restaurant being reopened.

CALENDAR PAGE	85
MINUTE PAGE	001106

5. Parking/Circulation

There is an existing parking lot located underneath the existing townhouses which provides parking for the existing marina. Each of the existing townhouses has a garage and additional parking located above the underground parking lot. As the restaurant is located within a floating barge and is not on a parcel of land, a variance is needed to allow the required parking to be located off-site on an adjacent parcel, underneath the existing townhouses.

Planning staff have conducted site visits on several occasions and feel that adequate parking is available to serve the marina, the existing apartment and the requested restaurant. In addition, there were approximately four spaces that could be re-striped to provide additional parking for the entire development. Planning staff recommends that the applicant work with the owner of the marina to have the additional spaces striped to provide additional parking.

As there is only one way into and out of the existing parking lot, both sides of the entrance driveway are to be maintained as fire lanes. On several occasions during site visits, Planning staff found vehicles parked along the entire length of the driveway. Planning staff is recommending that the restaurant owner, in cooperation with the marina owner and the Homeowner's Association, have the necessary signs installed along the driveway to prevent vehicles from parking in the fire lane.

6. Signage

The existing restaurant has signage located on the subject site. During visits to the site, Planning staff has noticed vehicles parked along the driveway to the parking lot on several occasions. To prevent this in the future, Planning staff is recommending that the driveway, which is a fire lane, be signed as a "No Parking - Tow Away" zone. The applicant should work with the Homeowner's Association before placing any signs on the marina property.

C. Building Design

The restaurant will be located within the existing barge that is located in the Marina. Upon approval of the special permit, the applicant will be constructing a second staircase from the second floor to the first floor to provide the necessary emergency exits. All modifications that will be made will be compatible in design and materials to the existing barge.

CALENDAR PAGE	86
MINUTE PAGE	001107

PROJECT REVIEW PROCESS:A. Environmental Determination

The Environmental Services Manager has determined the project, as proposed, will not have a significant impact to the environment; therefore, a Negative Declaration has been prepared. In compliance with Section 15070(B)1 of the California Environmental Quality Act Guidelines, the applicant has incorporated mandatory mitigation measures into the project plans to avoid identified impacts or to mitigate such impacts to a point where clearly no significant impacts will occur. These mitigation measures address potential air quality impacts. The mitigation measures are listed in the attached Mitigation Monitoring Plan (Exhibit C-1).

Extensive comments were received on the Negative Declaration. The Environmental Services Division has responded to all of the comments received. The comments and responses are considered part of the environmental assessment for the project and are attached as Exhibit C-2.

B. Public/Neighborhood/Business Association Comments

Since the application submittal date, the Planning Division has been working with the adjacent property owners, tenants of the marina and the Riverview Homeowner's Association on the special permit and variance request. Approximately one year after the application was submitted, the Homeowner's Association in frustration with the existing illegal operation, submitted several letters requesting that the applicant's request be denied (Attachment F). In addition, a few letters in support of the restaurant were received.

Planning staff have continued to work with the business owner and the Homeowner's Association over the past 18 months to attempt to reach a compromise on this project. There have been several meetings during this time between the applicant, several of the homeowner's in the River Homeowner's Association, an attorney for the Association, and Planning staff. In addition, there was a community meeting with the City Councilperson for this area. During these meetings several recommendations on conditions have been made which would mitigate the impacts of the restaurant.

At this time the homeowners are agreeable to not protest the requested special permit and variance, provided that the applicant agree to the conditions as listed in the attached resolutions. One of the conditions that has been agreed upon by the restaurant owner is a two year permit that could be extended at the end of two years. At the end of two years the applicant will be required to submit an application to modify the special permit conditions and could request elimination of the time restriction. The homeowners will protest an extension of time unless the restaurant owner complies with all of the conditions of approval.

CALENDAR PAGE	87
MINUTE PAGE	OC1108

C. Summary of Agency Comments

The project has been reviewed by several City Departments and other agencies. The following section summarizes the comments received:

1. Transportation Division

The Transportation Division has requested that parking be prohibited on Garden Highway adjacent to the project site. The applicant is willing to work with staff on having the Garden Highway signed for "No Parking" adjacent to the subject site.

2. Solid Waste Division

The Solid Waste Division had concerns regarding the waste removal service. All restaurants are required to have City of Sacramento waste removal service. The concerns of the Solid Waste Department have been included as conditions of project approval.

3. Fire Department

The Fire Department is requiring that the maximum occupancy of the proposed restaurant be 49 persons. If the restaurant exceeds 49 seats, a second ramp from the barge to the levee would be required. The concerns of the Fire Department have been included as conditions of project approval.

PROJECT APPROVAL PROCESS: Of the entitlements below, Planning Commission has the authority to approve or deny all of the entitlements. The Planning Commission action may be appealed to the City Council. The appeal must occur within 10 days of the Planning Commission action.

RECOMMENDATION: Staff recommends approval of the proposed development for the following reasons:

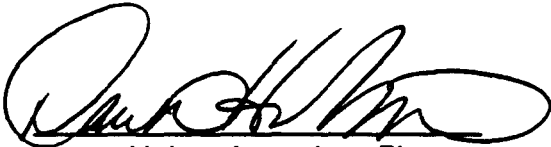
- o A restaurant use is an allowable use within the Riverfront District;
- o The occupancy of the restaurant is limited to 49 persons and without major structural changes the occupancy will not be increased;
- o Adequate conditions have been placed on the operation of the restaurant which will mitigate any negative impacts on the adjacent residences;
- o The project is being approved as a 24 month temporary approval which is subject to a hearing at the end of the time frame to determine whether compliance with the conditions has been maintained; and
- o A compromise has been reached on the major issue of compatibility through conditions that should mitigate any negative impacts created by the restaurant.

Staff recommends the Planning Commission take the following actions:

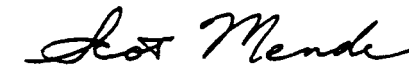
- A. Ratify the Negative Declaration.
- B. Adopt the attached Resolution (Attachment C), approving the Mitigation Monitoring Plan.
- C. Adopt the attached Resolution (Attachment D), approving the Special Permit to allow a 49 seat restaurant.
- D. Adopt the Attached Resolution (Attachment E), approving the Variance allowing the required parking for a restaurant to be located off-site.

Report Prepared By,

Report Reviewed By,



Dawn Holm, Associate Planner



Scot Mende, Senior Planner

Attachments

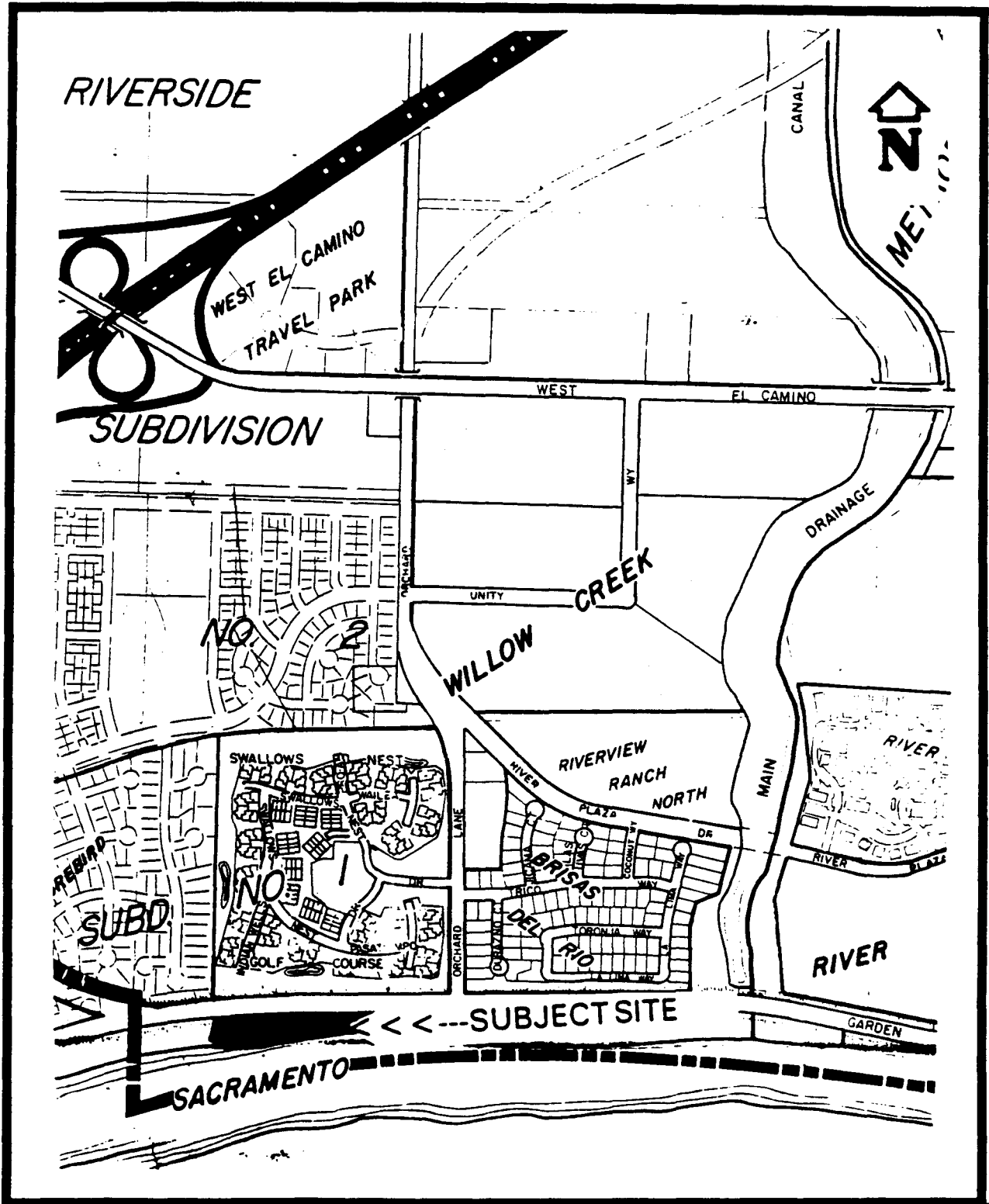
Attachment A	Vicinity Map
Attachment B	Land Use and Zoning Map
Attachment C	Resolution Approving Mitigation Monitoring Plan
Exhibit C-1	Mitigation Monitoring Plan
Exhibit C-2	Comments and Responses on the Negative Declaration
Attachment D	Resolution Approving Special Permit
Exhibit D-1	Site Plan
Exhibit D-2	Floor Plan
Exhibit D-3	Elevations
Exhibit D-4	Exhaust/Odor Control System
Exhibit D-5	Noise Consultant Recommendation
Attachment E	Resolution Approving Variance
Exhibit E-1	Parking Plan
Attachment F	Letters From Neighborhood Association and Adjacent Property Owners

ATTACHMENT A

P91-158

NOVEMBER 18, 1993

ITEM #1
PAGE 10



VICINITY MAP

CALENDAR PAGE 90

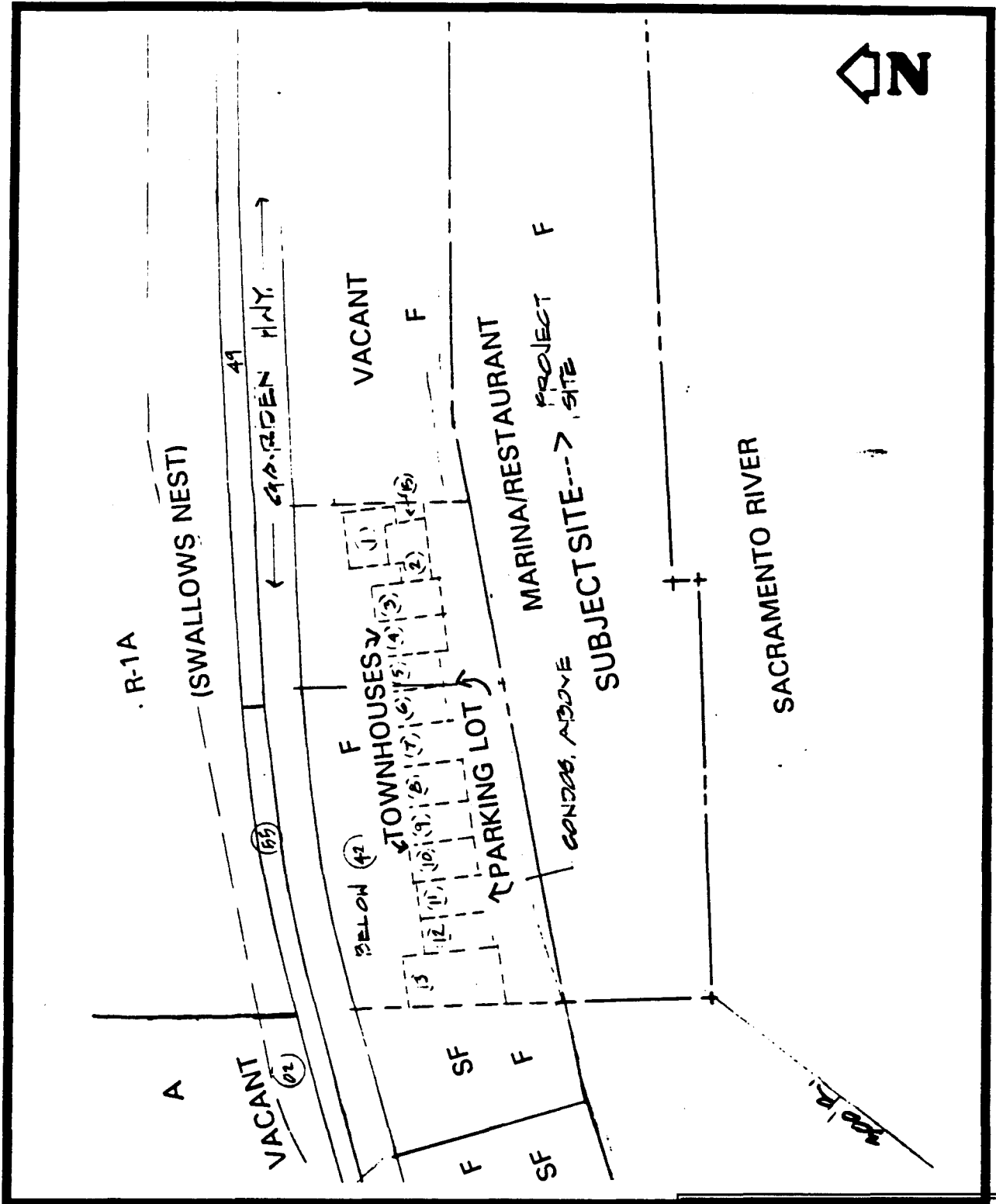
MINUTE PAGE 001111

ATTACHMENT B

P91-158

NOVEMBER 18, 1993

ITEM #1
PAGE 11



LAND USE AND ZONING MAP

CALENDAR PAGE	91
MINUTE PAGE	001112

ATTACHMENT C

P91-158

NOVEMBER 18, 1993

ITEM # 1
PAGE 12

RESOLUTION NO. 1479

ADOPTED BY THE SACRAMENTO CITY PLANNING COMMISSION
ON DATE OF: 11-18-93

MITIGATION MONITORING PLAN FOR THE JAMMIN' SALMON
RESTAURANT (P91-158)

WHEREAS, the Environmental Coordinator has prepared a Negative Declaration for the above identified project;

WHEREAS, the proposed Negative Declaration finds that the proposed project will not have a significant effect on the environment provided that mitigation measures are added to the above identified project;

WHEREAS, the Environmental Coordinator has prepared a Mitigation Monitoring Plan for ensuring compliance and implementation of the mitigation measures as prescribed in the Initial Study for the above identified project; and

WHEREAS, in accordance with Section 21081.6 of the California Public Resources Code, the City of Sacramento requires that a Mitigation Monitoring Plan be developed for implementing mitigation measures as identified in the Initial Study for the project;

NOW THEREFORE BE IT RESOLVED by the City of Sacramento, Planning Commission that:

1. The Mitigation Monitoring Plan for the proposed project (P91-158) project be approved and adopted as shown in the attached Mitigation Monitoring Plan dated February 19, 1993.

Rita Donahue
Vice-Chairperson

ATTEST:

Suzanne Blimsted
Secretary to the Planning Commission

CALENDAR PAGE	92
MINUTE PAGE	001113

ATTACHMENT D

P91-158

NOVEMBER 18, 1993

ITEM # 1
PAGE 34

RESOLUTION NO. 1476

ADOPTED BY THE SACRAMENTO PLANNING COMMISSION

ON DATE OF NOVEMBER 18, 1993

A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING A SPECIAL PERMIT FOR PROPERTY LOCATED AT 1801 GARDEN HIGHWAY

(P91-158) (APN: 274-0030-063-0000)

WHEREAS, the City Planning Commission on November 18, 1993, held a public hearing on the request for approval of a special permit to allow a 49 seat restaurant for property located at the above described location;

WHEREAS, the City Environmental Coordinator has determined that the proposed project will not have a significant effect on the environment, and has provided notice to the public of the preparation of a Negative Declaration;

WHEREAS, the Planning staff has submitted to the City Planning Commission its report and recommendations on the proposed development;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF SACRAMENTO THAT:

- 1. The Special Permit is hereby approved based upon the following findings of fact:
 - A. The project, as conditioned, is based upon sound principles of land use in that:
 - 1) A restaurant is an ancillary use to the existing marina operation and is compatible with the existing mixed use development;
 - 2) Adequate parking will be provided for the restaurant; and
 - 3) The hours of operation have been limited to reduce noise impacts on the adjacent residential development.
 - B. The project, as conditioned, will not be detrimental to the public welfare nor result in the creation of a public nuisance in that conditions have been placed on the operation of the restaurant to eliminate nuisance producing activities. The Planning Division staff and the Planning Commission recognize that the Riverview Homeowner's have been exposed to nuisance like conditions due to the existing operation of the restaurant. The homeowner's have agreed to be neutral on this request based upon strict compliance by the restaurant owner with all of the conditions of approval.

CALENDAR PAGE	93
MINUTE PAGE	001114

- C. The project is consistent with the General Plan which designates the site as major recreation or open space and the South Natomas Community Plan which designates the site as a riverfront district.
2. The Special Permit for the proposed 49 seat restaurant is hereby approved subject to the following conditions:
1. The hours of operation for the restaurant on Sunday through Thursday shall be from 10:00 a.m. until 10:00 p.m., in addition, no food or drink orders shall be taken after 9:30 p.m. and the hours of operation for the restaurant on Friday and Saturday shall be from 7:00 a.m. until 11:00 p.m., in addition, no food or drink orders shall be taken after 10:00 p.m.;
 2. The maximum seating in the restaurant shall not exceed 49 seats at any time;
 3. The restaurant shall be restricted to an on-sale beer and wine license only, a general liquor license is not permitted;
 4. Propane gas shall be used as the primary cooking method, mesquite and charcoal cooking is not permitted;
 5. The restaurant owner shall obtain written approval from the Riverview Homeowner's Association before having any live entertainment at the restaurant. Permission from the Homeowner's Association is required, and the Homeowner's Association is under no obligation to grant approval;
 6. Seating shall not be permitted on the levee side of the river. In addition, all tables and chairs shall be out of the direct line of sight of the adjacent townhouses. Outdoor seating shall be limited to the areas as shown on the attached site plan (Exhibit D-2). The applicant shall submit a detailed floor plan, indicating how the southwest and northeast corners of the barge will be marked as no seating areas, to the satisfaction of the Planning Director prior to issuance of an occupancy permit;
 7. A waiting area shall be designated on the first floor of the proposed restaurant. A bench seat may be added between the columns to provide the waiting area, this area will not be counted towards the seating capacity;
 8. Informational signage shall be posted at the entrances and exits of the restaurant encouraging patrons to observe the adjacent residential use. A sign proposal shall be submitted to the Planning Director for review approval prior to installation of informational signs;
 9. The restaurant shall have a host/hostess to greet customers, starting on the Friday of Memorial Day weekend continuing through the end of Labor Day weekend. A podium or station shall be constructed on the first floor of the restaurant adjacent to the waiting area to serve as a main check in for customers.


10. The restaurant is currently closed for the winter season, the construction of the kitchen shall be completed prior to reopening the restaurant;
11. The exhaust from the restaurant shall be vented in a manner to reduce smoke and odor on the adjacent residential units. The location of the venting on the exterior of the building shall be as far away as possible from the adjacent residential units as is reasonably possible.
12. The Muckler odor control and exhaust equipment, as shown on Exhibit D-4, shall be installed according to manufacturer's specifications;
13. Noise level measurements should be conducted at the residences located nearest to the Jammin Salmon Restaurant, both with and without the new fan in operation, prior to issuance of a temporary occupancy permit. If the measured noise level with the fan in operation exceeds the measured ambient noise level by 3dB or more, noise mitigation measures sufficient to reduce fan noise levels to less than 3dB over ambient levels would be required. The noise level measurements should be conducted at such a time as the residents are most likely to be annoyed by the operation of the fan, (sometime between the hours of 8 and 10 p.m.). The noise level measurements should be conducted on the deck of the residence nearest to the restaurant for consecutive periods of 15 minutes with the fan in operation, and 15 minutes with the fan turned off. The measurements should be conducted during "typical" ambient noise periods (i.e. in the absence of significant noise sources such as aircraft and loud powerboats). The average (L_{eq}) noise level descriptor should be used for the comparison of ambient versus fan noise levels, with the meter set at "slow" response and using the "A"-weighting network. The microphone should be mounted on a tripod at 5 feet above the deck, pointed at the restaurant, and fitted with a windscreen.

If the measured fan noise levels exceed existing ambient noise levels by 3dB or more, a solid noise barrier should be erected around the fan to a height sufficient to intercept line of sight to all of the nearby residential patios and windows. If this measure fails to reduce fan noise levels to less than 3dB over ambient levels, additional noise mitigation would be required. Such mitigation may take the form of an acoustic duct silencer or other appropriate treatment (refer to exhibit D-5 for an approximate cost of this condition);

14. All mechanical equipment shall be screened. Detailed elevations of the proposed mechanical screening shall be submitted to the Planning Director for review and approval of the design prior to issuance of any building permits. If additional screening is required to mitigate noise additional drawings shall be required prior to installation of the screening;
15. To reduce noise from the walkways a sound absorbing material, to be approved by the Planning Director, will be installed on the ramp between the levee and the dock area;

CALENDAR PAGE	95
MINUTE PAGE	001116

16. The second staircase to be installed adjacent to the river levee shall have a noise barrier erected on the side of the walkway closest to the townhouses. The barrier shall be a continuous solid material of canvas, wood or metal and shall be maintained in good condition by the restaurant and/or marina operator. Detailed elevations and material samples shall be submitted to the Planning Director prior to issuance of a building permit;
17. There will be no operable windows facing the residential units, and no music speakers in areas other than in the areas specified for seating. Any doors with direct line of sight access to the residential units shall be equipped with automatic self closing hinges, these doors are not to be propped open;
18. The garbage dumpsters shall not be located underneath the existing townhouses. Within 60 days of the approval of the special permit, a trash enclosure shall be constructed around the existing dumpsters which are located on the levee, adjacent to the driveway entrance.
19. The trash enclosure shall be constructed to City standards. Detailed plans of the enclosure shall be submitted to the Planning Director for review and approval within 30 days of the approval of the special permit and the enclosure shall be constructed within 60 days of special permit approval;
20. The restaurant owner shall agree to have regular meetings with the Riverview Homeowner's Association as needed to address any concerns that might arise due to the operation of the restaurant;
21. All necessary building permits shall be obtained prior to construction;
22. The special permit for the proposed restaurant shall expire 24 months after approval unless a complete application for a special permit modification, requesting additional time is submitted a minimum of 30 days prior to the expiration of the special permit. Upon completion of the 24 months, the time restriction could be removed by the Planning Commission if the restaurant owner has complied with the conditions of approval; and
23. ***All physical construction required for the establishment of the restaurant shall be completed prior to issuance of a temporary certificate of occupancy (Added by staff).***


Vice - CHAIRPERSON

ATTEST:


SECRETARY TO PLANNING COMMISSION

P91-158

CALENDAR PAGE	96
MINUTE PAGE	001117

ATTACHMENT E

P91-158

NOVEMBER 18, 1993

ITEM # 1
PAGE 44

RESOLUTION NO. 1477

**ADOPTED BY THE SACRAMENTO PLANNING COMMISSION
ON DATE OF NOVEMBER 18, 1993**

**A RESOLUTION ADOPTING FINDINGS OF FACT AND
APPROVING A VARIANCE FOR PROPERTY LOCATED AT
1801 GARDEN HIGHWAY**

(P91-158) (APN: 274-0030-063-0000)

WHEREAS, the City Planning Commission on November 18, 1993, held a public hearing on the request for approval of a variance to locate the required parking for a restaurant off-site for property located at the above described location;

WHEREAS, the City Environmental Coordinator has determined that the proposed project will not have a significant effect on the environment, and has provided notice to the public of the preparation of a Negative Declaration;

WHEREAS, the Planning staff has submitted to the City Planning Commission its report and recommendations on the proposed development;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF SACRAMENTO THAT:

- 1. The variance to allow the required parking, for a 49 seat restaurant, to be located off-site on an adjacent parcel is hereby approved based upon the following findings of fact:**
 - A. Granting the variance does not constitute a special privilege extended to an individual property owner in that variances would be granted to other property owners facing similar circumstances.**
 - B. Granting the variance would not be detrimental to the public welfare nor result in the creation of a public nuisance in that:**
 - 1) Adequate parking and landscaping has been provided; and**
 - 2) The restaurant will monitor the parking area to reduce noise impacts; and**

CALENDAR PAGE	97
MINUTE PAGE	001118

- C. Granting the variance does not constitute a use variance in that parking lots are allowed in the Flood (F) zone subject to the approval of a special permit. The parking lot was approved as part of the Marina which was approved by the County of Sacramento.
 - D. The project is consistent with the General Plan which designates the site as major recreation or open space and the South Natomas Community Plan which designates the site as a riverfront district.
2. The variance to allow off-site parking for a 49 seat restaurant is hereby approved, subject to the following conditions:
- 1. The restaurant owner shall have the driveway signed as a Tow Away - No Parking zone prior to issuance of a temporary occupancy permit. No signs will be placed on the property of the Homeowner's Association or any property owner without the owner's consent. The applicant is responsible for long term maintenance of the required signs;
 - 2. No parking will be allowed along the Garden Highway. The restaurant owner shall work with the City of Sacramento Planning Division and/or Transportation Division to have the Garden Highway adjacent to the Marina signed for "No Parking". The restaurant owner and landlord shall provide in writing an agreement not to contest the "No Parking issue;
 - 3. The restaurant shall have an employee assigned to make regular checks on the parking lot from 7:00 p.m. until closing on Thursdays, Fridays and Saturday evenings, starting on the Friday of Memorial Day weekend continuing through the end of Labor Day weekend. The assigned employee shall direct customers to the parking lot and shall inform customers not to parking along the driveway, which is a Fire Lane or they will be towed; and
 - 4. At any time the parking lot is flooded by more than six inches of water the restaurant shall be closed until such time as the water recedes.

Rita Donahue
Vice-CHAIRPERSON

ATTEST:

Suzanne Elmsted
SECRETARY TO PLANNING COMMISSION

NOV 18 1993 12:47

CALENDAR PAGE	98
MINUTE PAGE	001119



DEPARTMENT OF
PLANNING AND DEVELOPMENT

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
ROOM 200
SACRAMENTO, CA
95814-2998

NEGATIVE DECLARATION

BUILDING INSPECTIONS
916-449-5716

PLANNING
916-449-5604

The Environmental Services Manager of the City of Sacramento, California, a municipal corporation does prepare, make, declare, and publish this Negative Declaration for the following describe project:


The City of Sacramento, Department of Planning and Development, Environmental Services Division has reviewed the proposed project and has determined that the project, with mitigation measures as identified in the attached Initial Study, as resolved, will not have a significant effect on the environment. An Environmental Impact Report is not required pursuant to the Environmental Quality Act of 1970 (Division 13 of the Public Resources Code of the State of California).

This environmental review process and Negative Declaration filing is pursuant to Title 14, Division 6 Chapter 3, Article 6, Section 15070 of the California Administrative Code and pursuant to the Sacramento Local Environmental Regulations (Resolutions 78-171) adopted by the City of Sacramento and pursuant to Sacramento City Code, Chapter 63.

A copy of this document may be reviewed/obtained at the City of Sacramento, Department of Planning and Development, Environmental Services Division, 1231 "I" Street, 3rd Floor, Sacramento, California 95814.

Environmental Services Manager of the
City of Sacramento, California,
a municipal corporation

By:


CALENDAR PAGE 99
MINUTE PAGE 001120

attachment
rev. 1/9/90
form.6

P91-158

CITY OF SACRAMENTO

INITIAL STUDY

This Initial Study has been required and prepared by the Department of Planning and Development Environmental Services Division, 1231 I Street, Room 301, Sacramento, CA 95814, (916) 449-2037, pursuant to CEQA Guidelines, Section 15063 (August 1, 1983).

File No. and/or Project Name: P91-158, Jami-Salmon Restaurant
 Project Location: 1801 GARDEN HIGHWAY
 Applicant - Name: DOYLE K. BAILEY
 Address: 901 TAMALpais AVE, SUITE 200
SAN RAFAEL, CA 94901

ENVIRONMENTAL IMPACTS

	<u>YES/MAYBE/NO</u>
1. Earth. Will the proposal result in:	
a. Unstable earth conditions or in changes in geologic substructures?	<u>NO</u>
b. Disruptions, displacements, compaction or overcovering of the soil?	<u>NO</u>
c. Change in topography or ground surface relief features?	<u>NO</u>
d. The destruction, covering or modification of any unique geologic or physical features?	<u>NO</u>
e. Any increase in wind or water erosion of soils, either on or off the site?	<u>NO</u>
f. Changes in deposition or erosion of beach sands, or changes in siltation deposition or erosion which may modify the channel of a river, stream, inlet or lake?	<u>NO</u>
g. Exposure of people or property to geologic hazards such as earthquakes, ground failure, or similar hazards?	<u>NO</u>
2. Air. Will the proposal result in:	
a. Substantial air emissions or deterioration of ambient air quality?	<u>NO</u>
b. The creation of objectionable odors?	<u>MAYBE</u>
c. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	<u>NO</u>
3. Water. Will the proposal result in:	
a. Changes in currents, or the course of direction movements, in either marine or fresh waters?	<u>NO</u>
b. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	<u>NO</u>
c. Alterations to the course of flow of flood waters?	<u>NO</u>
d. Change in the amount of surface water in any water body?	<u>NO</u>
e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	<u>NO</u>
f. Alteration of the direction or rate of flow of ground waters?	<u>NO</u>
g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	<u>NO</u>
h. Substantial reduction in the amount of water otherwise available for public water supplies?	<u>NO</u>
i. Exposure of people or property to water related hazards such as flooding?	<u>NO</u>

CALENDAR PAGE	100
MINUTE PAGE	0C1121

- 4. **Plant Life.** Will the proposal result in:
 - a. Change in the diversity of species, or number of any species of plants? No
 - b. Reduction of the numbers of any unique, rare or endangered species of plants? No
 - c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species? No
 - d. Reduction in acreage of any agricultural crop? No

- 5. **Animal Life.** Will the proposal result in:
 - a. Change in the diversity of species, or number of any species of animals? No
 - b. Reduction of the numbers of any unique, rare or endangered species of animals? No
 - c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals? No
 - d. Deterioration of existing fish or wildlife habitat? No

- 6. **Noise.** Will the proposal result in:
 - a. Increases in existing noise levels? MAYBE
 - b. Exposure of people to severe noise levels? No

- 7. **Light and Glare.** Will the proposal produce new light or glare? No

- 8. **Land Use.** Will the proposal result in a substantial alteration of the present or planned land use of an area? No

- 9. **Natural Resources.** Will the proposal result in:
 - a. Increase in the rate of use of any natural resources: No
 - b. Substantial depletion of any nonrenewable natural resource? No

- 10. **Risk of Upset.** Does the proposal involve:
 - a. A risk of an explosion or the release of hazardous substances (including but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions? No
 - b. Possible interference with an emergency response plan or an emergency evacuation plan? No

- 11. **Population.** Will the proposal alter the location, distribution, density, or growth rate of the human population of an area? No

- 12. **Housing.** Will the proposal affect existing housing, or create a demand for additional housing? No

- 13. **Transportation/Circulation.** Will the proposal result in:
 - a. Generation of substantial additional vehicular movement? No
 - b. Effects on existing parking facilities, or demand for new parking? MAYBE
 - c. Substantial impact upon existing transportation systems? No
 - d. Alterations to present patterns of circulation or movement of people and/or goods? No
 - e. Alterations to waterborne, rail or air traffic? No
 - f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians? No

YES/MAYBE/NO

- 14. **Public Services.** Will the proposal have an effect upon, or result in need for new or altered governmental services in any of the following areas:
 - a. Fire protection? NO
 - b. Police protection? NO
 - c. Schools? NO
 - d. Parks or other recreational facilities? NO
 - e. Maintenance of public facilities, including roads? NO
 - f. Other governmental services? NO

- 15. **Energy.** Will the proposal result in:
 - a. Use of substantial amounts of fuel or energy? NO
 - b. Substantial increase in demand upon existing sources of energy or require the development of new sources of energy? NO

- 16. **Utilities.** Will the proposal result in a need for a new system, or substantial alterations to the following utilities:
 - a. Power or natural gas? NO
 - b. Communications systems? NO
 - c. Water? NO
 - d. Sewer or septic tanks? NO
 - e. Storm water drainage? NO
 - f. Solid waste and disposal? NO

- 17. **Human Health.** Will the proposal result in:
 - a. Creation of any health hazard or potential health hazard (excluding mental health)? NO
 - b. Exposure of people to potential health hazards? NO

- 18. **Aesthetics.** Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view? NO

- 19. **Recreation.** Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities? NO

- 20. **Cultural Resources.**
 - a. Will the proposal result in the alteration or destruction of a prehistoric or historic archaeological site? NO
 - b. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure or object? NO
 - c. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values? NO
 - d. Will the proposal restrict existing religious or sacred uses within the potential impact area? NO

- 21. **Mandatory Findings of Significance.**
 - a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? NO
 - b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.) NO

GAL ENDR PAGE 103
 MINUTE PAGE 001123
 1/18/91

YES/MAYBE/NO

- c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)
- d. Does the project have environment effects which will cause substantial adverse effects on human beings, either directly or indirectly?

No
No

MITIGATION MEASURES

- The applicant has agreed to revise the project to incorporate the mitigation measures contained in Attachment A, Discussion of Initial Study.
- A discussion of the project's impacts is contained in Attachment A, Discussion of Initial Study. No Mitigation is required for this project.

REFERENCES

- City of Sacramento General Plan Update EIR, 1988
- City of Sacramento Zoning Ordinance
- North Natomas Community Plan EIR
- South Natomas Community Plan EIR & SEIR
- Airport-Meadowview Community Plan EIR
- North Sacramento Community Plan EIR
- South Sacramento Community Plan EIR
- Pocket Community Plan Update
- Downtown Redevelopment Plan Update and EIR, 1985
- Central City Community Plan EIR
- ITE Trip Generation Manual, Fifth Edition
- South Coast Air Quality Maintenance District "Air Quality Handbook for Preparing EIR's"
- Land Use Planning Policy Within the 100 Year Flood Plain in the City and County of Sacramento EIR
- Urbemis - 3
- Emfac 7 PC
- CALINE 4
- Traffic Study _____
- Noise Study _____
- Preliminary Site Assessment: _____
- Other: _____

DETERMINATION

On the basis of this initial evaluation:

- I find the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in this Initial Study have been added to the project. **A NEGATIVE DECLARATION WITH MITIGATION MEASURES WILL BE PREPARED.**
- I find the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

DATE: 1-28-93

SIGNATURE: _____

CALENDAR PAGE	103
MINUTE PAGE	001124 <small>CMG(6/91)</small>

ATTACHMENT A
Discussion of Initial Study

P91-158, Jammin' Salmon Restaurant

REQUESTED ENTITLEMENTS

An application has been made by Doyle K. Bailie to the City of Sacramento for the following entitlements:

1. Special Permit to allow a 1,356 square foot restaurant with a 500 square foot outdoor seating area to allow a 49 seat restaurant on 3.85 developed acres in the Flood (F) zone.
2. Variance to allow the required 16 parking spaces for an 49 seat restaurant to be located off-site.

PROJECT DESCRIPTION

The proposed project is located at 1801 Garden Highway (AP#274-0030-063-0000) and is within the South Natomas Community Plan Area. The project site has been previously developed and includes the River Bank condominium complex. The Jammin' Salmon restaurant is currently operating at the project site as an unapproved use and is located in a floating structure on the Sacramento River. The project applicant has applied for the necessary entitlements to operate the restaurant as an approved use for the project site.

The project site is designated as Riverfront in the South Natomas Community Plan and is designated as Parks/Recreation/Open Space in the Sacramento General Plan. The site is zoned Flood (F). A restaurant use is allowed under the current land use designations and zoning.

SITE HISTORY

In May 1979 the Sacramento County Board of Supervisors approved the operation of a marina on the proposed project site. In 1981, an additional use permit to allow a snack bar, yacht brokerage, and retail sales of marine equipment was granted by the County Board of Supervisors. The subject site was a portion of the Willow Creek Annexation from the County to the City in 1984. As part of this annexation the City Council approved permits to develop 14 condominium units and expand the marina from 82 berths to 135 berths.

ENVIRONMENTAL EFFECTS

L. Earth

The project site has been previously developed and the approval of the proposed project will not result in any changes to the existing earth conditions, including compaction and overcovering

of soil. The proposed project does not include any changes to the existing drainage system, building foundation, or parking and vehicular maneuvering area. The subject site is designated for urban uses in the General Plan, and no unique geologic features are known to occur on the site. The primary soil type in this region of the South Natomas Community Plan Area is Columbia-Cosumnes, which is characterized as a very deep somewhat poorly drained soil that is subject to flooding (SGPU EIR, T-5). All development within the SGPU area is subject to potential damage from earthquake groundshaking at a maximum intensity of VIII of the Modified Mercalli Scale (SGPU, EIR, pg. T-16).

If approved, the proposed project will occupy an existing structure at the project site. This existing structure was approved as part of the Riverview Marina and was evaluated in previous environmental documents (City project #P85-202 and County document (EIR) SCH#8307041). The approval of the restaurant use is not anticipated to result in a significant impact to the geologic features of the project site.

2. Air

Vehicle Emissions: The approval of the restaurant use at the proposed site will result in an increase in vehicle trips in the project vicinity. An increase in vehicle trips will produce emissions of various compounds which contribute to regional and local air quality problems. Ozone problems and localized carbon monoxide increased in the Sacramento region resulting from traffic associated with the SGPU buildout represent unavoidable significant adverse impacts (SGPU DEIR, Z-60 & Z-67).

A Statement of Findings and Overriding Considerations was adopted by the City Council for the 1986-2006 SGPU. This document included a finding that the social and economic benefits of the buildout of the general plan outweighed the unavoidable significant adverse air quality impacts that were identified in the SGPU EIR. The proposed restaurant use at the project site is within the density level that is allowed for the site under the SGPU. This project is anticipated to contribute to the air quality impacts identified in the SGPU EIR; however, the project is not expected to increase the pollutants beyond those previously identified in the SGPU EIR.

(Note: The Jammin' Salmon is currently operating at the project site as a non-approved use. The increase in vehicle trips has already occurred in the project vicinity. Therefore, the traffic on the Garden Highway will not increase above the actual existing level).

Construction: Because the proposed restaurant use will occupy an existing structure, the project site will not include any new construction. Therefore, approval of the proposed project will not result in an any construction related particular matter (e.g. dust).

Objectionable Odors: The proposed restaurant use will be required to provide a trash dumpster. This dumpster must accommodate "wet refuge", for which collection services can only be contracted with the City of Sacramento Solid Waste Division. A dumpster associated

with a restaurant use has the potential for creating objectionable odors. To reduce any impact associated with odors emanating from the dumpster, the project applicant shall comply with the following mitigation measures:

1. The applicant shall have the "wet refuge" collected three times per week by the City of Sacramento Solid Waste Division.
2. The applicant shall provide dumpsters with lids that can be locked or secured shut. The dumpsters shall be closed and locked at all times.

The proposed restaurant use includes an exhaust fan for the kitchen. This exhaust fan has the potential to create odors that may be detected by the adjacent residential units. The odors from the restaurant are not considered significant impacts because: 1) exhaust fans associated with restaurants are required to comply with standards identified in the Uniform Mechanical Code (UMC, Section 2002 (i)); 2) the odors from restaurant exhaust fans may not be considered objectionable; and 3) restaurant uses are not restricted by the Zoning Ordinance from locating next to residential units due to odors from exhaust fans.

3. Water

The proposed project site is located in the AE Flood Zone of the current FEMA (FIRM) flood insurance rate maps dated November 15, 1989 and may be subject to unreasonable risk of flooding. The proposed project does not include plans for any new construction; therefore, mitigation measures are not required to reduce the potential for flood danger. Further, the restaurant use will be located in an existing floating structure which is not anticipated to be susceptible to flooding impacts.

4/5. Plant/Animal Life

The project site is located in an Urban Land Habitat, and the majority of this habitat is not vegetated. The dominant vegetation on the project site consists of artificially irrigated ornamental plantings (SGPU, EIR, pg. U-14). The project site is currently developed with condominiums, a parking structure, and the River View Marina. The proposed project does not include any new construction; therefore, the proposed project is not expected to impact plant and animal life.

6. Noise

Approval of the restaurant use may increase the existing noise level at the project site, which may affect the adjacent residents. The subject site is located in an area where noise levels do not exceed 60 dB Ldn as identified in the 1986-2006 General Plan (SGPU, EIR, Exhibit AA-47). Noise levels of 60 dB Ldn or below are considered acceptable in the General Plan. The requirement for interior noise exposure mitigation is triggered when the exterior Ldn exceeds 60 dB (SGPU, EIR, Exhibit AA-28). The operation of a restaurant use is not anticipated to

increase the exterior noise level of the adjacent residential units above 60 dB and, therefore, is not considered a significant impact.

The Jammin' Salmon Restaurant is located approximately 15 feet from the Sacramento River, which is heavily utilized by recreational boats throughout the year. Due to the noise generated by recreational boats, the patrons of the restaurant may be exposed to noise in excess of City noise standards. However, this potential impact is mitigated through the enforcement of the 5 mile per hour rule applicable to all watercraft when passing a marina. The proposed project is not anticipated to add to the anticipated noise level and, therefore, is not anticipated to result in a significant noise impact.

7. Light and Glare

The proposed restaurant use will occupy an existing structure, and the proposed project does not include any new construction. Approval of the proposed restaurant use will not result in a light and glare impact.

8. Land Use

The project site is designated "Parks and Recreation and Open Space" in the General Plan and "Riverfront District" in the South Natomas Community Plan. Restaurant and marina uses are consistent with the General Plan designation and the uses are allowed by special permit in the Riverfront District as long as these uses are consistent with the river carrying capacity and are nuisance free (SNCP, Riverfront Guiding Policy, Implementing Policy C). The South Natomas Community Plan states that "the total number of restaurants should be limited to five in order to avoid an intensive restaurant row". The proposed Jammin' Salmon restaurant has been identified as one of the five restaurants allowed under the South Natomas Community Plan and, therefore, is consistent with the SNCP policy.

The proposed project site is located within an area of the 100-year floodplain designated as Zone AE on the Sacramento Community's Official Flood Insurance Rate Map dated November 15, 1989. The proposed project will occupy an existing structure and does not include any new construction. Further, the proposed restaurant use will be located in a floating structure which is not anticipated to be susceptible to flooding impacts.

9. Natural Resources

The proposed project will not result in the loss of any natural resources. The approval of a restaurant use on the project site is not anticipated to significantly accelerate the use of natural resources or deplete non-renewable resources.

10. Risk of Upset

The proposed restaurant use at the project site does not include the storage of hazardous

materials. Storage of toxics or chemicals in large quantities is not an activity normally associated with restaurant uses. Therefore, the approval of the proposed project will not result in a risk of upset.

11/12. Population/Housing

The proposed project does not include the construction of any residential units. Therefore, the approval of a restaurant use at the project site will not alter the location, distribution, density, or growth rate of the human population, or generate any additional demand for housing.

13. Transportation/Circulation

The traffic for the project site enters from Garden Highway. A site visit indicated that the parking is located under the existing River View Marina Condominiums. The Garden Highway, between I-80 and I-5, is anticipated to experience level of service (LOS) F, which is considered "heavy congestion" with "stop and go operation" (SGPU EIR, Y-86 and Y-3), at SGPU buildout. LOS C is considered by the City of Sacramento, Public Works Department, Transportation Division as the threshold for a significant transportation operation impact. However, the traffic resulting from the proposed use of the project site was anticipated in the SGPU EIR and will not generate an increase in traffic above the level previously identified in the SGPU EIR.

The City of Sacramento Public Works Department, Transportation Division, has reviewed the proposed application and has recommended the following as conditions of approval: 1) parking shall be prohibited on Garden Highway; 2) a parking plan shall be submitted to the satisfaction of the Transportation Division; 3) all driveways shall conform to City Standards; and 4) vehicles parking adjacent to the river shall be protected from rolling into the river by the construction of curbs and barricades.

The River View Marina has 82 boat berths and 10 side tie docks for a total boat capacity of 92 vessels. It is required by the City of Sacramento Zoning Ordinance(Ordinance #88-083, Section 6 A) that one parking space be provided for every boat mooring facility and that for every 3 seats in a cafe one parking space must be provided. Therefore, the Jammin' Salmon is required to provide 16 parking spaces. The project application has requested for approval of a variance to allow the required parking to be provided off-site. With approval of the variance, the project site will have an adequate supply of parking as required by the City of Sacramento Zoning Ordinance.

The use and density of the proposed project were evaluated in the SGPU. Approval of the restaurant use will not increase traffic above the level evaluated in the SGPU; therefore, the proposed project is not anticipated to result in a significant traffic impact.

14-16. Public Services/Energy/Utilities

The Jammin' Salmon has been in operation as an unapproved use. The restaurant has had adequate public services to operate as a restaurant in the past and is not anticipated to need additional service. The use of the site for the Jammin' Salmon Restaurant does not increase density above the land use designation in the General Plan. Projections for public services, energy, and utilities are developed from the General Plan; therefore, approval of the restaurant use will not result in an increase in demand that has not been previously identified. The operation of the restaurant must be in compliance with the Uniform Fire Code (UFC) to ensure that an unreasonable risk of fire will not occur as a result of the restaurant operation. Therefore, the proposed project will have a less-than-significant impact on public services.

17. **Human Health**

The proposed project does not involve demolition of any structures and is not expected to result in the creation of health hazards, potential health hazards, or exposure of people to potential health hazards. The proposed restaurant use is not anticipated to have a significant impact upon human health or create any health hazards.

18. **Aesthetics**

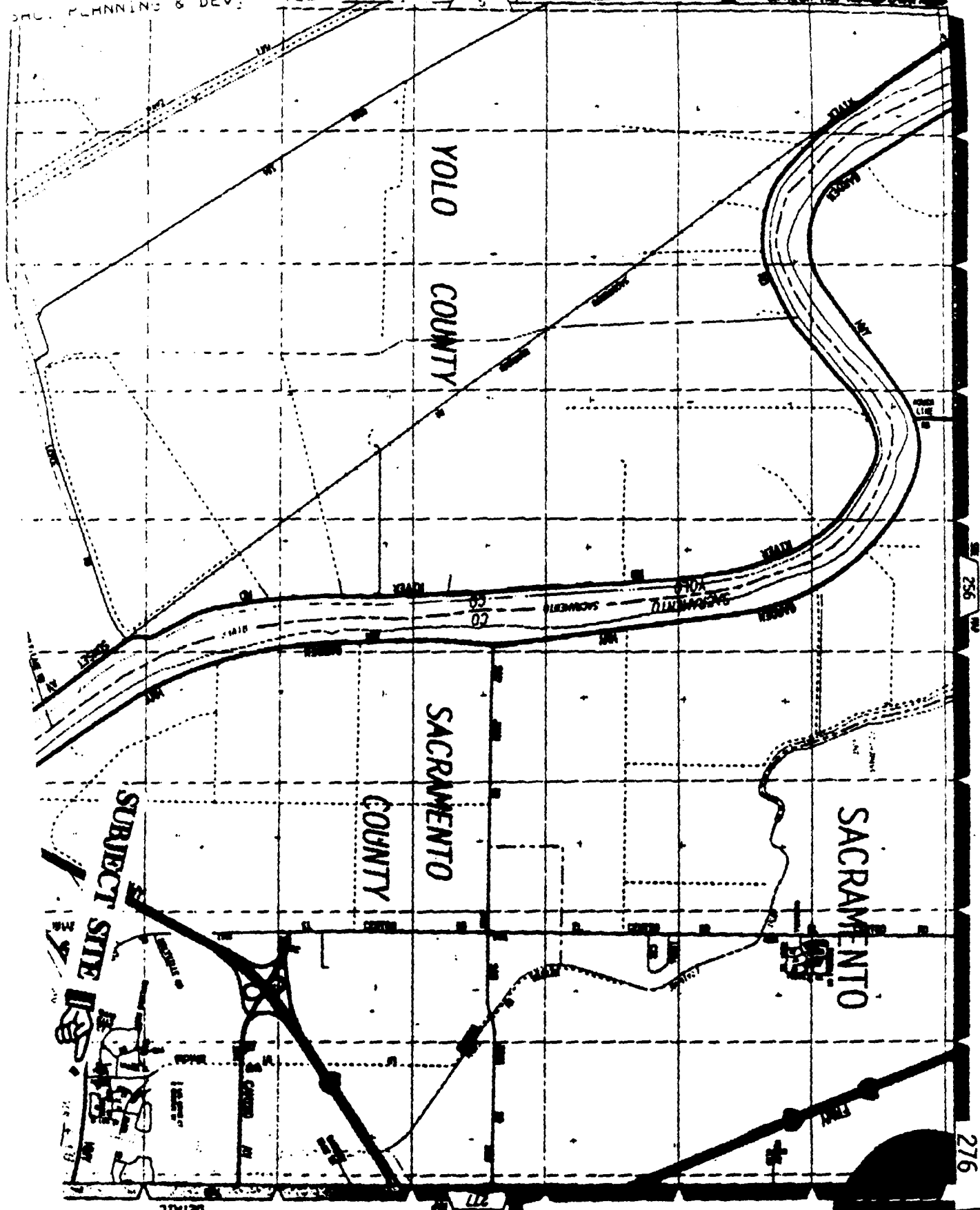
The proposed restaurant use will occupy an existing structure at the project site, and additional development of the site is not proposed with this project. Therefore, approval of the restaurant use will not result in a significant aesthetic impact.

19. **Recreation**

Restaurant facilities do not result in impacts to recreational facilities. Approval of the proposed restaurant use is anticipated to have a less than significant impact on the quality and quantity of recreational facilities.

20. **Cultural Resources**

The project site is located in a Primary Impact Area as defined by the SGPU (EIR, V-5). The proposed restaurant use will occupy an existing structure at the project site, and the proposed project does not include any additional construction or grading. Although cultural resources potentially exist on the project site, the proposed project is not anticipated to affect cultural resources because the project does not include grading activities. Approval of the restaurant use will not result in an impact to cultural resources.



SUBJECT SITE

YOLO COUNTY

SACRAMENTO COUNTY

SACRAMENTO

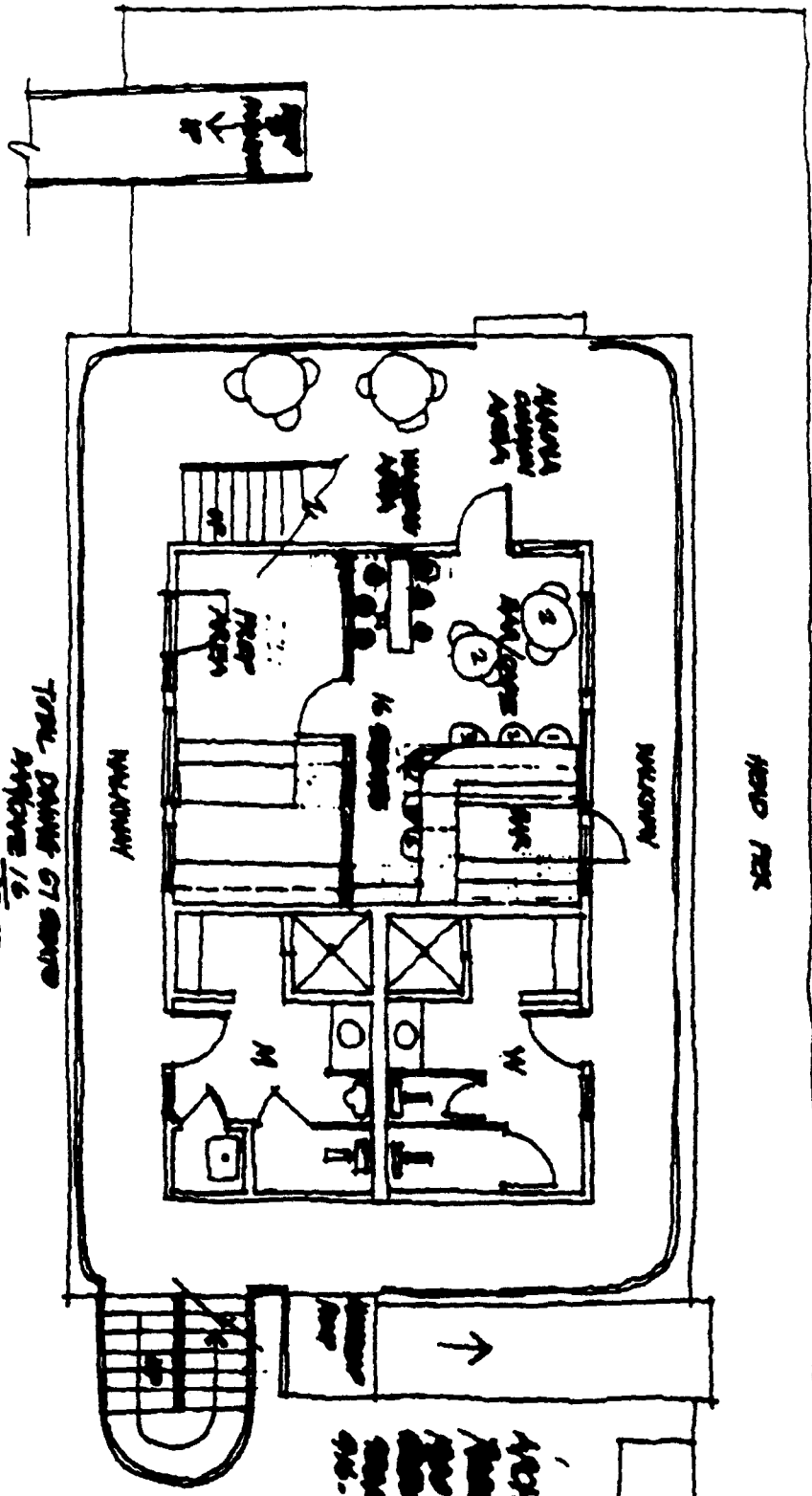
DETAIL

276

970

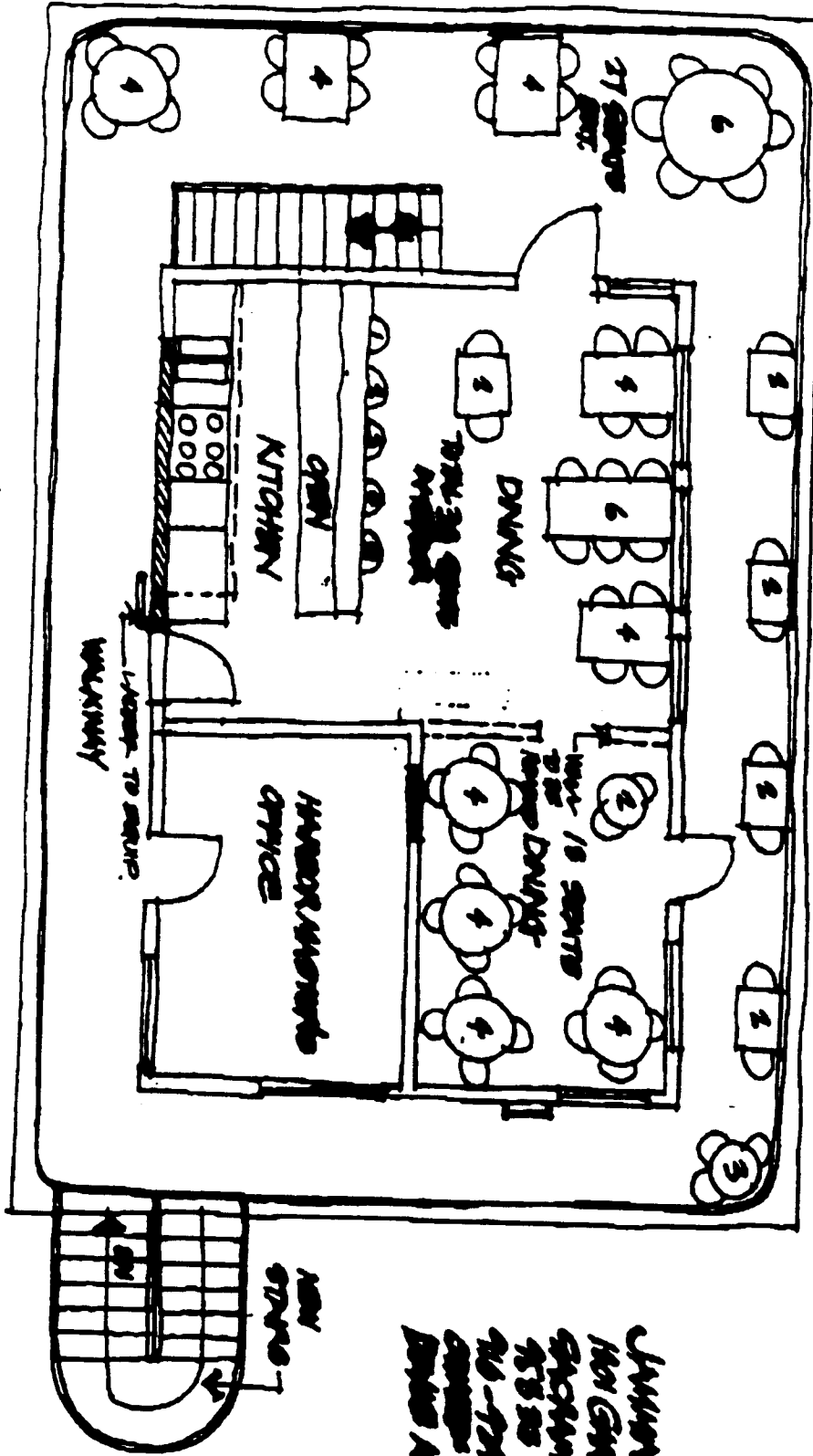
CALENDAR PAGE 110
 MINUTE PAGE 0C1131

FIRST LEVEL 748 SQ. FT.
1996 BDN CF.
TOTAL DRAINING 67 SQ. FT.
TOTAL AREA 16 55 SQ. FT.



ACCOMMODATE
THREE COURTROOMS
AND 30' OF COURT
REQUIREMENTS, ALL
IN ONE
916-448-3712

SECOND LEVEL TISSA
30' x 41'10" 65 SEATS DINING



JAMES SKELTON
HOT GROUND/HONEY
RESTAURANT, CO.
7550
916-721-6392
DINING & OFFICE



FORM A

APPLICATION AND ENVIRONMENTAL QUESTIONNAIRE
(COMPLETE FIVE COPIES)

This document will assist the Planning Division in evaluating the proposed project and its potential environmental impacts. Complete and accurate information is required for environmental review and will minimize future requests for additional information. Please contact Environmental Services Division, 1231 I Street, Room 300, Sacramento, CA 95814 (916) 449-2037 if there are any questions concerning environmental issues. Contact the Current Planning Section, Room 200, at the address listed above, (916) 449-5604 for zoning interpretations.

SUBDIVISION NAME OR PROPOSED COMMON NAME FOR PROJECT: JENNIFER S. Hill Restlands

PROPERTY OWNER'S NAME: EQ Co 1112
Mailing Address: 901 Tamaris Ave # 200 SAKRA CA Zip Code 94901
Telephone: Business (415) 453-8451 Home () _____

APPLICANT'S/AGENT'S NAME: Doyle K. Railor
Mailing Address: 1801 Galena Rd Sac. CA Zip Code 95833
Telephone: Business (916) 929-6332 Home () 929-6291
Contact Person's Name: JERRY HUNTER Phone () 929-6291

PROJECT SITE INFORMATION LEGAL DESCRIPTION MUST BE ATTACHED
Property Address or Location 1801 Galena Rd
Property Assessor Parcel Number(s) 274-0030-063
Property Dimensions: 100' x 100'
Property Area: Square Footage (gross) _____ (net) _____
Acreage (gross) 2.25 (net) _____
Land Use: Undeveloped/Vacant _____ Developed (give bldg. sq. ft.) _____
Existing Zoning of Project Site: F Proposed Zoning: _____

DESCRIBE ADJACENT ZONING AND EXISTING LAND USE WITHIN 300 FEET OF PROJECT SITE:

ZONE	EXISTING LAND USE (i.e., residential, commercial, industrial)
North <u>F</u>	<u>Vacant</u>
South <u>F</u>	<u>Sacramento River</u>
East <u>F</u>	<u>Vacant</u>
West <u>F</u>	<u>Galena River</u>

FOR OFFICE USE ONLY

Project No. P.01 158 Date Rec'd: 6/20/91 By: [Signature]

General Plan Design: _____	Rezone _____
Amend To: _____	Tent. Map _____
Com. Plan Area: _____	Spec. Permit _____
Existing Design: _____	Variance _____
Amend To: _____	Sub. Mod. _____
Other Plan Design: _____	LLA _____
Amend To: _____	Other _____

Environmental Determination: Exempt: _____; Neg. Dec _____; EIR _____; By: _____, Date _____

JUN 20 1991

CALENDAR PAGE	113
MINUTE PAGE	OC1134

STATEMENT OF INTENT

It is my request to seek a modification of the Planning Commission recommendation made in 1986 that five restaurants be allowed along the Garden Highway between Interstate 5 and Interstate 80. I have operated a small restaurant in the River View Marina for 3-1/2 years and have been exempt from the five restaurant limitation because of my size. I now intend to improve the kitchen to conform to health and fire standards required by today's codes, but in order for me to obtain a building permit I require a modification of the five restaurant limit recommendation.

I do not intend to increase my existing seating and no additional parking will be required. My existing restaurant is part of a marina consisting of 91 slips and is fully occupied. In addition, the development at River View includes 13 condominium units. My customer base is primarily made up of boaters from the marina and residents of the condos and in order to continue to operate it is necessary to remodel my kitchen. In reality, I have been the sixth restaurant along the river for 3 + years and only desire to operate my business within today's health and fire codes.

CALENDAR PAGE

114

MINUTE PAGE

001135

PREVIOUS LAND USE

Explain existing and previous land use(s) of site for last ten years:

Nothing for 5 years. Before that was residential
residential.

PREVIOUS ENVIRONMENTAL DOCUMENTS

If this project is part of a larger project for which a Negative Declaration or Environmental Impact Report has been prepared, reference the document below (include date and project number if applicable):

NO PREVIOUS ENVIRONMENTAL DOCUMENTS

Is this project part of a larger project for which no environmental review has been prepared? _____ yes _____ no

SITE CHARACTERISTICS

Are there any Trees/Shrubs on the Project Site? NO
Are any to be removed? NO

Are any to be transplanted? NO If so, state location of transplant site. _____

Plot on Site Plan by Size and Type all trees to be removed and/or transplanted.

Is the site part of an Airport Overlay Zone? Explain: NO

Will the proposed use involve any toxic or hazardous materials or waste? Explain: NO

DEMOLITION OF STRUCTURES

Are there any structures on the project site? YES
Present Use of Existing Structure(s): Restaurant - Restrooms, Air Rite Dr. & Office
Proposed Use of Existing Structure(s): Restaurant

Are any Structures Occupied: YES
Describe the type of occupancy (number of residents, type of use)

One - Studio apartment

← Residential use?
+

Structures to be Demolished: NO
 Structures to be Moved: NO
 Describe age, condition, size, and architectural style of all existing on-site structures (include photos): 70's brick house - 745 sq ft - Good Condition

**RETAIL, COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, OR OTHER PROJECT
 (IF PROJECT IS ONLY RESIDENTIAL, DO NOT ANSWER THIS SECTION)**

Type of Use(s): Restaurant
 Oriented to: Regional _____ City Yes Neighborhood Yes
 Hours of Operation: Mon-Sun 11AM-11PM
 Total Occupancy/Capacity of Building(s): 200
 Total Number of Fixed Seats: 49
 Square Footage of: _____ Warehouse Area: _____
 Office Area: 2000 Sq Ft. Loading Area: _____
 Sales Area: _____ Storage Area: _____
 Total Number of Employees: 2 Employee
 Anticipated Number of Employees Per Shift: 4-6 per shift
 Total Number of Visitors/Customers on site at any one time: 50 people
 Other Occupants (specify): _____

RESIDENTIAL PROJECTS

Total Lots: _____ Total Dwelling Units: _____
 Total Acreage: _____ Net Density/Acre: _____ Gross Density/Acre: _____

	Single Family	Two Family Duplex/Halfplex	Multi-Family (Apartments)	Multi-Family (Condominiums)
Number of Units	_____	_____	_____	_____
Acreage	_____	_____	_____	_____
Square Feet per Unit	_____	_____	_____	_____
For Sale or Rent	_____	_____	_____	_____
Price Range	_____	_____	_____	_____
Type of Unit:				
Studio	_____	_____	_____	_____
1 Bedroom	_____	_____	_____	_____
2 Bedroom	_____	_____	_____	_____
3 Bedroom	_____	_____	_____	_____
4+ Bedroom	_____	_____	_____	_____

Are any of these units proposed to be subsidized? _____
 If yes, describe the type and source of the subsidy.

PROPOSED BUILDING(S) CHARACTERISTICS FOR SEVERE PROJECT

Size of New Structure(s) or Building Addition(s): None Gross Sq. Ft.

Building Height (Measured from Ground to Highest Point): 35 Ft. No. of Floors 3

Height of Other Appurtenances (Excluding Buildings) Measured from Ground to Highest Point (e.g., Antennas, Microwave Equipment, Solar Energy Equipment, Light Pole Standards, etc.)

None

Project Site Coverage:	Building Coverage:	<u>NA</u>	Sq. Ft.	<u> </u>	±
	Landscaped Area:	<u>NA</u>	Sq. Ft.	<u> </u>	±
	Paved Surfaced Area:	<u>NA</u>	Sq. Ft.	<u> </u>	±
	Total:		Sq. Ft.	<u> </u>	100 ±

Exterior Building Materials: Wood Roof Materials: Till Roof

Exterior Building Colors: Shades of Blue/Grey with Red Windows Trim

Describe the need and demand for child care services generated by the proposed project and indicate any plans for providing such services in conjunction with the project:

None

Total Number of Off-Street Parking Spaces: On-Site Required 77 On-Site Proposed: 75

Total Number of Proposed Off-Site Parking:
(Include a Signed Lease Agreement or Letter of Agency)

Total Number of Bicycle Locker Facilities Proposed: Required:

Describe the Type of Exterior Lighting Proposed for the Project (Height, Intensity): Building: Exsiting Parking: Exsiting

Estimate Total Construction Cost for Project: \$ 40,000

Construction Starting Date: Estimated Completion Date:

Does this Proposal include Signage? If yes, explain the following:

Height: Illumination:
 Area: Type:
 Dimensions: Colors/Materials:
 Locations (On/Off-site):

+

NOTE: IF THE PROJECT SITE IS ON OR NEAR A HISTORICAL SITE, ARCHAEOLOGICAL SITE, LANDFILL SITE, RIVER, FLOODPLAIN, FREEWAY, RAILROAD, OR AIRPORT, THEN SPECIFIC TECHNICAL STUDIES MAY BE REQUIRED. APPLICANTS ARE ENCOURAGED TO CONTACT THE ENVIRONMENTAL SECTION AT THE EARLIEST OPPORTUNITY TO DETERMINE THE POSSIBLE NEED AND SCOPE OF SUCH STUDIES.

OTHER PERMITS OR APPROVALS

List any and all other public approvals required for this project. Specify type of permit or approval, agency/department, address, person to contact, and their telephone number.

<u>Permit or Approval</u>	<u>Agency</u>	<u>Address</u>	<u>Contact Person</u>	<u>Phone Number</u>

AS THE APPLICANT/AGENT FOR THIS PROPOSAL, I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, THE ABOVE ANSWERS AND STATEMENTS ARE TRUE AND COMPLETE. I CERTIFY THAT THE PROPOSAL DESCRIBED IN THIS APPLICATION IS NOT A PART OF A LARGER PROJECT OR A PHASE OF A LARGER PROJECT.

D. K. Baile
Signature of Applicant/Agent

6/19/91
Date

Doyle K Baile - Director
Print Name and Title of Applicant/Agent

916/727-6332
Phone

BECAUSE THE TIME REQUIRED FOR ENVIRONMENTAL OR STAFF REVIEW MAY VARY ACCORDING TO THE COMPLEXITY OF THE PROJECT, THE PLANNING DIVISION WILL NOTIFY YOU OF THE SCHEDULED HEARING BASED ON YOUR PROJECT ONCE IT HAS BEEN RELEASED FROM THE ENVIRONMENTAL SERVICES DIVISION.

03/90:dth

Recording
Not
Required



-
-
-
-
-

MITIGATION MONITORING PLAN

FOR

The Jammin' Salmon Restaurant/ P91-158

Initial Study

Prepared By:
City of Sacramento Environmental Services Division
February 19, 1993

Adopted By:
City of Sacramento Planning Commission

CALENDAR PAGE	119
MINUTE PAGE	0C1140

CITY OF SACRAMENTO

MITIGATION MONITORING PLAN

This Mitigation Monitoring Plan has been required and prepared by the Department of Planning and Development, Environmental Services Division, 1231 I Street, Suite 301, Sacramento, CA 95814, (916)449-2037, pursuant to California Environmental Quality Act Guidelines Section 21081.

SECTION 1: PROJECT IDENTIFICATION

Project Name / File Number: Jammin' Salmon Restaurant/ P91-158
Applicant - Name: Doyle K. Bailie
Address: 1801 Garden Highway
Sacramento, CA 95832

Project Location / Legal Description of Property (if recorded):

The project site is located at 1801 Garden Highway (AP#274-0030-063).

SECTION 2: GENERAL INFORMATION

The project as approved includes a mitigation measures placed on Air Quality. The intent of the Plan is to prescribe and enforce a means for properly and successfully implementing the mitigation measure as identified within the Initial Study for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this Plan shall be funded by the applicant identified above.

It is the intent of the applicant to operate a restaurant in an existing structure located on the Sacramento River.

SECTION 3: PLAN CONTENTS

- A. The following air quality reduction measures shall be required.
1. The applicant shall have the "wet refuge" collected three times per week by the City of Sacramento Solid Waste Division.
 2. The applicant shall provide dumpsters with lockable lids. The dumpsters shall be closed and locked at all times.

ENTITY RESPONSIBLE FOR ENSURING COMPLIANCE
Department of Planning and Development, City of Sacramento

MONITORING PROGRAM

The applicant shall provide the Building Division - Site Conditions Unit with a copy of the garbage collection agreement with the City of Sacramento Solid Waste Division Building Division prior to the issuance of the final permit.

The applicant shall provide the Building Division - Site Conditions Unit a photograph of the dumpster to be used by the restaurant use prior to the issuance of the final permit.

CALENDAR PAGE

120

MINUTE PAGE

001141

RESOLUTION NO.

**ADOPTED BY THE SACRAMENTO CITY PLANNING COMMISSION
ON DATE OF: _____**

**MITIGATION MONITORING PLAN FOR THE JAMMIN' SALMON
RESTAURANT (P91-158)**

WHEREAS, the Environmental Coordinator has prepared a Negative Declaration for the above identified project;

WHEREAS, the proposed Negative Declaration finds that the proposed project will not have a significant effect on the environment provided that mitigation measures are added to the above identified project;

WHEREAS, the Environmental Coordinator has prepared a Mitigation Monitoring Plan for ensuring compliance and implementation of the mitigation measures as prescribed in the Initial Study for the above identified project; and

WHEREAS, in accordance with Section 21081.6 of the California Public Resources Code, the City of Sacramento requires that a Mitigation Monitoring Plan be developed for implementing mitigation measures as identified in the Initial Study for the project;

NOW THEREFORE BE IT RESOLVED by the City of Sacramento, Planning Commission that:

1. The Mitigation Monitoring Plan for the proposed project (P91-158) project be approved and adopted as shown in the attached Mitigation Monitoring Plan dated February 19, 1993.

Chairperson

ATTEST:

Secretary to the Planning Commission

CALENDAR PAGE	121
MINUTE PAGE	001142

California Department of Fish and Game

CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

Project Title/Location (Include county)

P91-158, Jammin' Salmon Restaurant

1801 Garden Highway, Sacramento, County of Sacramento

Project Description:

1. **Special Permit** to allow a 1,356 square foot restaurant with a 500 square foot outdoor seating area to allow a 49 seat restaurant on 3.85 developed acres in the Flood (F) zone.
2. **Variance** to allow the required 16 parking spaces for an 49 seat restaurant to be located off-site.

Findings of Exemption (Attach as Necessary):

- A. An initial study was conducted by the Environmental Coordinator in order to evaluate the potential for adverse environmental impact;
- B. There is no evidence before the City to indicate that the proposed project will have any potential for adverse effect on wildlife resources.

Certification:

I hereby certify that the public agency has made the above finding and that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

By: Carol R. Brann
Environmental Services Manager
of the City of Sacramento,
California, a municipal
corporation

Date: 2-23-93

Section 711.4, Fish and Game Code

A copy of this document may be reviewed/obtained at the City of Sacramento, Department of Planning and Development, Environmental Services Division, 1231 I Street, Room 301, Sacramento, California, 95814.

CALENDAR PAGE	122
MINUTE PAGE	OC1143

MITIGATION AGREEMENT

PROJECT NAME / FILE NUMBER:

P91-158, Jammin Salmon Restaurant


OWNER/DEVELOPER: Doyle K. Bailie

ADDRESS: 1801 Garden Highway
Sacramento, CA 95832

I, DOYLE K. BAILIE, agree to amend the project application P91-158 to incorporate the attached mitigation measures in the Initial Study dated February 26, 1993. I understand that by agreeing to these mitigation measures, all identified potentially significant environmental impacts should be reduced to below a level of significance, thereby enabling the Environmental Coordinator to prepare a Negative Declaration of environmental impact for the above referenced project.

I also understand that the City of Sacramento will adopt a Mitigation Monitoring Plan for this project. This Monitoring Plan will be prepared by the Department of Planning and Development pursuant to the California Environmental Quality Act Guidelines Section 21081 and pursuant to Article III of the City's Local Administrative Procedures for the Preparation of Environmental Documents.

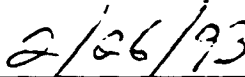
I acknowledge that this project, P91-158, would be subject to this plan at the time the plan is adopted. This plan will establish responsibilities for the monitoring of my project by various City Departments and by other public agencies under the terms of the agreed upon mitigation measures. I understand that the mitigation measures adopted for my project may require the expenditure of owner/developer funds where necessary to comply with the provisions of said mitigation measures.



Signature



Title



Date

CALENDAR PAGE	123
MINUTE PAGE	OC1144