



**CITY OF SACRAMENTO PLANNING COMMISSION
RECORD OF DECISION
300 Richards Boulevard, Sacramento, CA 95811**

Project Name: Antigua Cantina – Restaurant Parking Waiver
Project Number: Z08-163
Project Location: 2019 O Street
Assessor's Parcel No.: 007-0245-015-0000
Applicant: Felip Olvera
Action Status: Approved Action Date: Jan/08/2009

**REQUESTED
ENTITLEMENT(S):**

- A. Environmental Determination: Exempt (CEQA 15332);
- B. Special Permit to waive 24 required parking spaces to establish a restaurant in an existing building on 0.15+/- acres in the General Commercial (C-2) zone;

ACTIONS TAKEN: On January 08, 2009, the Planning Commission took the following actions based on the attached findings of fact and subject to the attached conditions of approval:
A. Environmental Determination: Exemption.
B. The Special Permit to reduce the number of required on-site parking spaces is approved subject to Findings of Fact and Conditions of Approval.

Action certified by:

David Kwong, Planning Manager
David Kwong, Planning Manager

Sent to Applicant: 01/12/2009

By:

Robert W. Williams
Staff Signature

NOTICE OF PROTEST RIGHTS

The above conditions include the imposition of fees, dedications, reservations, or other exactions. Pursuant to California Government Code section 66020, this Notice of Decision serves as written notice to the project applicant of (1) the amount of any fees and a description of any dedications, reservations, or exactions imposed, and (2) that the applicant may file a protest against the imposition of those fees, dedications, reservations, or other exactions within 90 days of the date of this approval, which is deemed to be the date that the fees, dedications, reservations, or other exactions are imposed. If the payment of a fee is imposed as a condition of approval, but the amount of the fee is not stated in this Notice of Decision and is not otherwise available to the applicant on a fee schedule or otherwise, the 90 days protest period will begin to run when the applicant is notified of the amount of the fee.

For purposes of this notice, the following fees are deemed to be imposed upon approval of the first discretionary entitlement for the subject development project and are subject to the protest procedures set forth in Title 18 of the Sacramento City Code as indicated: North Natomas Public Facilities Fee, Transit Fee, and Drainage Fee (SCC 18.24.160); North Natomas Land Acquisition Fee (SCC 18.24.340); North Natomas School Facilities Fee (SCC 18.24.710); Jacinto Creek Planning Area Facilities Fee (SCC 18.28.150); Willow Creek Project Area Development

Fee (SCC 18.32.150); Development Impact Fees for the Railyards, Richards Boulevard, and Downtown Areas (SCC 18.36.150); Habitat Conservation Fee for the North and South Natomas Community Plan Areas (18.40.090); and Park Development Impact Fee (18.44.140).

The time within which to challenge a condition of approval of a tentative subdivision map, including the imposition of fees, dedication, reservation, or other exaction, is governed by Government Code section 66499.37

EXPIRATION

TENTATIVE MAP: Failure to record a final map within three years of the date of approval or conditional approval of a tentative map shall terminate all proceedings.

SPECIAL PERMIT: A use for which a Special Permit is granted must be established within three years after such permit is issued. If such use is not so established, the Special Permit shall be deemed to have expired.

VARIANCE: Any variance involving an action which requires a building permit shall expire at the end of three years unless a building permit is obtained within the variance term.

PLAN REVIEW: Any plan review shall expire at the end of three years unless a building permit is obtained within the plan review term.

NOTE: Violation of any of the foregoing conditions will constitute grounds for revocation of this permit. Building permits are required in the event any building construction is planned. The County Assessor is notified of actions taken on rezoning, special permits and variances.

APPEALS

Appeals of the Planning Commission decision of this item to the City Council must be filed at 915 I Street, New City Hall, 3rd Floor, within 10 calendar days of this meeting, on or before January 18, 2009. If the 10th day falls on a Sunday or holiday, the appeal may be filed on the following business day.

Findings Of Fact

A. Environmental Determination: Exemption

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 15332 Infill Development of the California Environmental Quality Act Guidelines as follows:

The proposed project consists of a project that is consistent with the General Plan, is located within the City limits, on a project site of not more than five acres substantially surrounded by urban uses with no habitat value, will not have significant effects relating to traffic, noise, air quality, or water quality and can be adequately served by utilities and public services.

B. The Special Permit to reduce the number of 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. A restaurant is a permitted use in the General Commercial (C-2) zone; and
 - b. the seating shall be limited to 90 seats; and
 - c. adequate parking will be provided in the evenings and on weekends at a parking lot directly across the street.
2. Granting the request will not be injurious to public health, safety, or welfare nor result in a nuisance in that:
 - a. Adequate on-street parking is available within three blocks radius; and
 - b. the project is consistent with the surrounding uses and will renovate an existing vacant building; and
 - c. parking will be provided for on an adjacent lot during evenings and weekend hours of operation.
3. The project is consistent with the General Plan and the Central City Community Plan which designates the subject site as Community/Neighborhood Commercial and Offices and General Commercial respectively.

Conditions Of Approval

The Special Permit to waive 24 parking spaces in order to convert an existing warehouse into a restaurant is hereby approved subject to the following conditions:

General

B1. Applicant shall obtain all necessary permits prior to commencing construction.

B2. The applicant shall have in place a lease as proposed to staff for a minimum of 24 parking spaces. The applicant shall provide staff with a copy of the official lease agreement for the off-site parking spaces. Any changes to the lease will require planning review and approval if it affects the location and/or the number of the parking spaces.

B3. Informational signage shall be provided at the restaurant and at the parking lot indicating that the parking lot is available for restaurant use. (Must comply with all applicable city codes).

B4. A valet service shall be provided anytime entertainment is provided at the restaurant.

B5. If the parking lot lease is terminated, the applicant shall provide required parking within 30 days or close the establishment. Any new parking agreements must be reviewed and approved by staff.

B6. Any modification to the project shall be subject to review and approval by Planning staff prior to the issuance of building permits.