

 <div style="text-align: center;"> <h1 style="margin: 0;">Council Communication</h1> <p style="margin: 0;">Office of the City Manager</p> </div>	<b>Date:</b>	July 14, 2014
	<b>Agenda Item No.</b>	<b>57</b>
	<b>Roll Call No.</b>	<b><u>14-1097</u></b>
	<b>Communication No.</b>	<b><u>14-321</u></b>
	<b>Submitted by:</b>	<b>Phillip Delafield, Community Development Director</b>

## **AGENDA HEADING:**

Approving vacation and lease of 280-square-feet of public right-of-way for a sidewalk café on public sidewalk adjacent to 2605 Ingersoll Avenue.

## **SYNOPSIS:**

Recommend approval of vacation of a segment of public sidewalk and a sidewalk café lease agreement for Sakari Sushi Lounge, located at 2605 Ingersoll Avenue, for the purpose of an outdoor patio space. The project is represented by Sang Cam, Owner, Sakari Sushi Lounge, LLC, 2605 Ingersoll Avenue, Des Moines, IA 50312.

## **FISCAL IMPACT:**

Amount: \$1,360 collection of three (3) year lease fee for sidewalk café area.

Funding Source: CD042044, 468440 - Revenue from lease of public right-of-way for a sidewalk cafe is deposited in the revenue account.

## **ADDITIONAL INFORMATION:**

Sakari Sushi Lounge, LLC, located at 2605 Ingersoll Avenue, wishes to install a 280-square-foot outdoor patio area in the adjacent public sidewalk south of the building. The segment of sidewalk adjacent to 2605 Ingersoll Avenue is 16-feet 6-inches wide from the structure to the street. The area can accommodate an unobstructed pedestrian walking area with a total of 8.6 feet. The open and unobstructed sidewalk is compliant with the American with Disabilities Act and will allow for the free flow of pedestrian traffic.

The leased area will contain movable tables and chairs and a minimum 36-inch tall fence barrier as required by City Code for full service of food and beverage. Staff has determined the area to be vacated is not necessary for any other public purpose, and the application for a sidewalk café meets all requirements of the design standards as approved by City Council on January 28, 2013.

## **PREVIOUS COUNCIL ACTION(S):**

Date: June 23, 2014

Roll Call Number: [14-0952](#)

Action: [Setting](#) date of hearing on proposed vacation and lease of a 280 sq. ft. portion of the sidewalk adjoining 2605 Ingersoll Avenue to Sakari Sushi Lounge, LLC, for a sidewalk café, (7-14-14). Moved by Hensley to adopt. Motion Carried 5-2.

Date: January 28, 2013

Roll Call Number: [13-0163](#)

Action: [Amendments](#) to the Des Moines Sidewalk Café Program. ([Council Communication No. 13-037](#)) Moved by Hensley to adopt, subject to final passage of the pending ordinance regarding the administration and operation of sidewalk cafes on City property. Motion Carried 7-0.

- (A) [First](#) consideration of ordinance above. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.
- (B) [Final](#) consideration of ordinance above (waiver requested by Community Development Department), requires 6 votes. Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,161](#). Motion Carried 7-0.

Date: July 10, 2006

Roll Call Number: [06-1360](#), [06-1361](#) and [06-1362](#)

Action: [Amending](#) Chapter 10 of the Municipal Code regarding issuance of liquor licenses for outdoor areas and amending Chapter 102 regarding process for vacation and conveyance of public streets and alleys, and licenses for sidewalk cafes, all to expedite process for review and approval of sidewalk cafes. Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.

- (A) [Final](#) consideration of ordinance above (waiver requested by City Manager), requires 6 votes. Moved by Vlassis that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,574](#). Motion Carried 7-0.
- (B) [Approving](#) recommended design standards for sidewalk cafes. Moved by Vlassis to adopt, with the following amendment to standard No. 10: “The applicant should shall include a written consent to the sidewalk café by the owners of the adjacent property”. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Renewal of future sidewalk café lease agreement.

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