



**CITY OF SACRAMENTO PLANNING COMMISSION
RECORD OF DECISION**

New City Hall, 915 I Street, 3rd Floor, Sacramento, CA 95814

Project Name:	Natomas Gas Station & Car Wash	
Project Number:	P08-024	
Project Location:	4461 East Commerce Way	
Assessor's Parcel No.:	225-1960-022	
Applicant:	Scott Kolenic, Kolenic Enterprise, LLC	
Action Status:	Approved Project With Conditions	Action Date: 8-28-2008

REQUESTED ENTITLEMENT(S): A request to construct a gas station with a full-service car wash facility on approximately 1 acre in the Highway Commercial zone of the Natomas Crossing Planned Unit Development (HC-PUD).

A. Environmental Determination: Addendum to previous Negative Declaration.

B. Plan Review to construct a gas station with car wash facility within the Highway Commercial zone of the Natomas Crossing Planned Unit Development (HC-PUD).

ACTIONS TAKEN: On 8/28/2008, the Planning Commission took the following actions based on the attached findings of fact and subject to the attached conditions of approval:

Approved Items A - B with conditions

Action certified by: 
David Kwong, Planning Manager

Sent to Applicant: 8/28/2008

By: 
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 (SCC18.24.710); Jacinto Creek Planning Area Facilities Fee (SCC18.28.150); 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 300 Richard Blvd, 3rd Floor, within 10 calendar days of this meeting, on or before 9/08/08. 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: Addendum to an Adopted Mitigated Negative Declaration. The Planning Commission **approves** the Addendum to an Adopted Mitigated Negative Declaration, based upon the following findings:

1. The Planning Commission finds as follows:
 - a. On June 6, 2002, the City Council approved the Mitigated Negative Declaration, adopted the Mitigation Monitoring Plan and approved the necessary entitlements to configure the land use designations and zoning for the 298.5 gross acre project site establishing Development Area 3 of Natomas Crossing PUD (P01-028).
 - b. The Natomas Gas Station & Car Wash project (P08-024) proposes to modify the previously approved project as follows:

Plan Review to develop a gas station within the Highway Commercial Planned Unit Development (HC-PUD) zone of the Natomas Crossing Area #3 PUD.
 - c. The City of Sacramento's Environmental Planning Services conducted an Initial Study on the project modification and determined that the proposed changes to the original project did not require the preparation of a subsequent environmental impact report or negative declaration. An addendum to the previously adopted MND was then prepared to address the modification to the project.
2. The Planning Commission has reviewed and considered the information contained in the previously adopted MND for the Project, the Addendum and all oral and documentary evidence received during the hearing on the Project Modification. The Planning Commission has determined that the previously adopted MND and the Addendum constitute an adequate, accurate, objective, and complete review of the proposed Project Modification and finds that no additional environmental review is required based on the reasons set forth below:
 - a. No substantial changes are proposed by the Project Modification that will require major revisions of the previously adopted MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - b. No substantial changes have occurred with respect to the circumstances under which the Project Modification will be undertaken which will require major revisions to the previously adopted MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - c. No new information of substantial importance has been found that shows any of

the following:

1. The Project Modification will have one or more significant effects not discussed in the previously adopted MND;
 2. Significant effects previously examined will be substantially more severe than shown in the previously adopted MND;
 3. Mitigation measures previously found to be infeasible would in fact be feasible and would substantially reduce one or more significant effects of the Project Modification; or
 4. Mitigation measures which are considerable different from those analyzed in the previously adopted MND would substantially reduce one or more significant effects on the environment.
3. Based on its review of the previously adopted MND for the Project, the Addendum and all oral and documentary evidence received during the hearing on the Project Modification, the Planning Commission finds that the MND and Addendum reflect the Planning Commission's independent judgment and analysis and approves the MND and the Addendum for the Project Modification and reapproves the findings of fact in support of the MND.
 4. The documents and other materials that constitute a record of proceedings upon which the Planning Commission has based its decision are located in the City of Sacramento Development Services Department, Environmental Planning Services, 300 Richards Blvd., 3rd Floor, Sacramento, CA 95811. The custodian of these documents and other materials is the Development Services Department, Environmental Planning Services.
 5. Upon approval of the Project, the City's Environmental Planning Services shall file or cause to be filed a Notice of Determination with the Sacramento County Clerk and, if the project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to section 21152 (a) of the Public Resources Code and the State EIR Guidelines adopted pursuant thereto.
- B. Plan Review:** The Plan Review to construct a gas station with full-service car wash facility within the Highway Commercial zone of the Natomas Crossing Planned Unit Development (HC-PUD) zone is approved based upon the following findings of fact and Conditions of Approval:
1. The proposed gas station and car wash facility is a use that is consistent with the Commerce/Neighborhood Commercial & Office General Plan land use designation, the Highway Commercial North Natomas Community Plan designation and applicable policies related to commercial development.

2. The proposed project would be located in an area where facilities, utilities, roads, and drainage are available and constructed to city standards.
3. The design of the proposed project complies with all applicable setback, lot coverage, density, height, and parking regulations.
4. The proposed project would adhere to all applicable zoning and building code requirements and will complement adjacent developments; therefore the proposal would not pose a threat to the public health nor be injurious to the surrounding area.

Conditions Of Approval

Planning:

- B1. Development of this site shall be in compliance with the attached exhibits (Exhibits A through M), except as conditioned. Any modification to the project shall be subject to review by Current Planning staff prior to the issuance of building permits. Any significant modifications to the project may require subsequent entitlements.
- B2. Obtain all necessary building permits prior to construction.
- B3. Comply with all applicable conditions of the Natomas Crossing Planned Unit Development Guidelines.
- B4. Landscaping plans shall be submitted to the Building Division – Site Conditions Unit and the Landscape Architecture Section. The scope of the review shall include plant species selection, landscape materials, irrigation system and calculation to ensure that the 50% shading requirement is met. In order to provide adequate surveillance opportunities, all plants and shrubs shall be maintained at a maximum height of thirty inches (30"). Decorative planting shall be maintained so as not to obstruct or diminish lighting level throughout the project.
- B5. Lighting:
 - a. Lighting shall be designed so as not to produce hazardous and annoying glare to motorists, adjacent properties, or the general public. All fixtures should be placed in a manner that avoids glare when observed from the street or other public areas.
 - b. All open parking lots shall be provided with a minimum intensity of 1.5 foot-candles per square foot of lighting from one-half hour before sunset until one-half hour after sunrise. All lighting devices shall be equipped with weather and vandal-resistant covers. Lighting shall be engineered so as not to produce direct glare or "stray light" on adjacent properties.
 - c. Applicant shall submit a lighting plan to Current Planning for review prior to the issuance of building permits.
- B6. All mechanical equipment shall be screened. All rooftop mechanical and communications

equipment shall be completely screened from view from public streets by the building parapet, screen wall, and architectural projections which are integral to the building design.

- B7. The trash enclosure shall meet all requirements of the Sacramento City Code, Chapter 17.72 (Recycling and Solid Waste Disposal Regulations), including perimeter landscaping, masonry walls, and a solid metal gate.
- B8. The proposal is required to meet the Sacramento City Code regulations, regarding bicycle parking (Section 17.64.050) and the Transportation Management Plan (TMP) approved for the area. Provide one Class (I) locker within close proximity to the building.
- B9. Prior to issuance of a building permit the applicant will submit a project specific AQ/TMP for review and approval by the City's Alternate Modes Coordinator or show compliance with an existing AQ/TMP.
- B10. All signage shall comply with the Natomas Crossing PUD guidelines. When the guidelines are silent or non-specific, signage is required to comply with the Highway Commercial (HC) section of the City of Sacramento's Sign Ordinance, except that all detached signs shall be monument signs.
- B11. The applicant shall provide a rendering/elevation of the outdoor fountain and patio area, for the review and approval by the Planning Manager, prior to the issuance of building occupancy permits.
- B12. The applicant shall provide a revised rendering of the eastern elevation of the car wash building, for the review and approval of Design Review staff, prior to the issuance of building permits.

Development Engineering:

- B13. Construct standard subdivision improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. Improvements shall be designed and constructed to City standards in place at the time that the Building Permit is issued. All improvements shall be designed and constructed to the satisfaction of the Traffic Engineering Division. Any public improvement not specifically noted in these conditions shall be designed and constructed to City Standards. This shall include any required street lights and the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk per City standards to the satisfaction of the Traffic Engineering Division.
- B14. The site plan shall conform to A.D.A. requirements in all respects.
- B15. The design of walls fences and signage near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height at maturity. The area of exclusion shall be determined by the Traffic Engineering Division.

Fire:

- B16. All turning radii for fire access shall be designed as 35' inside and 55' outside.
- B17. Roads used for Fire Department access shall have an unobstructed width of not less than

20' and unobstructed vertical clearance of 13'6" or more.

- B18. Canopy that will be placed over the fueling station shall be a minimum of 13' 6" or more.
- B19. Fire Apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. CFC 503.2.3
- B20. Provide the required fire hydrants in accordance with CFC 508 and Appendix C, Section C105.
- B21. Timing and Installation. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction.
- B22. Provide a water flow test. (Make arrangements at the Permit Center walk-in counter: 300 Richards Blvd, Sacramento, CA 95814). CFC 508.4
- B23. The furthest projection of the exterior wall of a building shall be accessible from within 150 ft of an approved Fire Department access road and water supply as measured by an unobstructed route around the exterior of the building. (CFC 503.1.1)
- B24. Provide appropriate Knox access for site
- B25. Roads used for Fire Department access that are less than 28 feet in width shall be marked "No Parking Fire Lane" on both sides; roads less than 36 feet in width shall be marked on one side.
- B26. An automatic fire sprinkler system shall be installed in any portion of a building when the floor area of the building exceeds 3,599 square feet.
- B27. Locate and identify Fire Department Connections (FDCs) on address side of building no further than 50 feet and no closer than 15 feet from a fire hydrant.
- B28. An approved fire control room shall be provided for all buildings protected by an automatic fire extinguishing system. Fire control rooms shall be located within the building at a location approved by the Chief, and shall be provided with a means to access the room directly from the exterior. Durable signage shall be provided on the exterior side of the access door to identify the fire control room. CFC 903.8.

Utilities:

- B29. A drainage study and shed map as described in Section 11.7 of the City Design and Procedures Manual is required. The drainage study shall include an overland flow release map for the proposed project. Sufficient off-site and on-site spot elevations shall be provided in the drainage study to determine the direction of storm drain runoff. The DOU shall approve this study and shed map. The on-site storm drain system shall be sized per latest design runoff standards. Prior to design, contact the DOU for the design criteria.
- B30. The building pad elevation shall be approved by the DOU and shall be a minimum of 1.5 feet above the local controlling overland release elevation or a minimum of 1.2 feet above

the highest adjoining back of sidewalk elevation, whichever is higher.

- B31. All lots shall be graded so that drainage does not cross property lines or private drainage easements shall be dedicated.
- B32. An on-site surface drainage system is required and shall be connected to the street drainage system by means of a storm drain service tap. The storm drain service taps shall drain on-site shed areas which are in general conformance with the master drainage study and shed map for the area or (development). All on-site systems shall be designed to the standard for private storm drainage systems (per Section 11.12 of the Design and Procedures Manual).
- B33. All water connections shall comply with the City of Sacramento's Cross Connection Control Policy.
- B34. Per City Code 13.04.070, except for separate irrigation service connections and fire service connections, each lot or parcel shall only have one (1) metered domestic water service. Requests for multiple domestic water service connections to a single commercial lot or parcel, consistent with the DOU "Commercial Tap Policy", may be approved on a case-by-case basis by the DOU. Contact the DOU at (916) 808-1400 for a copy of the tap policy. Excess services shall be abandoned to the satisfaction of the DOU.
- B35. The proposed development is located within the Sacramento Area Sewer District (SASD). Satisfy all SASD requirements.
- B36. A grading plan showing existing and proposed elevations is required. Adjacent off-site topography shall also be shown to the extent necessary to determine impacts to existing surface drainage paths. No grading shall occur until the grading plan has been reviewed and approved by the DOU.
- B37. This project is greater than 1 acre in size; therefore, the project is required to comply with the State "NPDES General Permit for Stormwater Discharges Associated with Construction Activity" (State Permit). To comply with the State Permit, the applicant will need to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Stormwater Pollution Prevention Plan (SWPPP) prior to construction. A copy of the State Permit and NOI may be obtained from www.swrcb.ca.gov/stormstr/construction.html. The SWPPP will be reviewed by the DOU prior to issuing a grading permit. The following items shall be included in the SWPPP: (1) vicinity map, (2) site map, (3) list of potential pollutant sources, (4) type and location of erosion and sediment BMP's, (5) name and phone number of person responsible for SWPPP and (6) certification by property owner or authorized representative.
- B38. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to prepare erosion and sediment control plans for both during and after construction of the proposed project, prepare preliminary and final grading plans, and prepare plans to control urban runoff pollution from the project site during construction.
- B39. Post construction, stormwater quality control measures shall be incorporated into the development to minimize the increase of urban runoff pollution caused by development of the area. Since the project is served by a regional water quality control facility, only source

control measures are required. Specific source controls are required for (1) vehicle and equipment fueling areas, (2) loading/unloading areas, (3) outdoor storage areas, (4) outdoor work areas, (5) vehicle/equipment wash, repair and maintenance areas, and (6) waste management areas. Improvement plans must include the source controls measures selected for the site. Refer to the latest edition of the "Guidance Manual for On Site Stormwater Quality Control Measures" for appropriate source control measures.

Sacramento Area Sewer District:

- B40. Connection to the District's sewer system shall be required to the satisfaction of the District. District design standards apply to sewer construction.
- B41. Each parcel with a sewage source shall have a separate connection to the District public sewer system. If there is more than one building in any single parcel and the parcel is not proposed for split, then each building on that parcel shall have a separate connection to a private on-site sewer line or District public sewer line.

Transportation – Engineering Services – Electrical Section:

- B42. This project does not require street lighting. There is an existing street lighting system around this project area. Improvements of right-of-way may require modification to the existing system. Electrical equipment shall be protected and remain functional during construction.

Parks:

- B43. As per City Code, the applicant will be responsible to meet his/her obligations regarding Title 18, 18.44 Park Development Impact Fee, due at the time of issuance of building permit. The Park Development Impact Fee due for this project is estimated at \$653. This is based on 1,922 sq. ft at the commercial rate of \$.34 per sq. ft. Any change in these factors will change the amount of the PIF due. The fee is calculated using factors at the time that the project is submitted for building permit.

Building:

- B44. All portions of proposed building and facilities shall be accessible to persons with disabilities as required by Chapter 11B of 2007 CBC, section 1111B. Path of travel is required from Carwash building to Fueling Station.
- B45. Based on 2007 CBC section 406.5.2, canopies under which fuels are dispensed shall have a clear, unobstructed height on not less than 13'-6" to the lowest projecting elements in the vehicle drive-through area.
- B46. Combustible materials used in or on canopy shall be limited and comply with section 406.5.2 requirements.

Advisory Notes:

Sacramento Area Sewer District:

- B47. The proposed project use may require an Industrial Waste Discharge Permit. Applicant

should contact Wastewater Source Control Section at 875-6470 for additional industrial waste discharge concerns.

Utilities:

- B48. Prior to occupancy within the subject area, all sanitary sewer, storm drainage, water, and floods control improvements shall be in place, fully functioning, and a notice of completion shall be issued by Public Works.
- B49. Many projects within the City of Sacramento require on-site booster pumps for fire suppression and domestic water systems. Prior to design of the subject project, the DOU suggests that the applicant request a water supply test to determine what pressure and flows the surrounding public water distribution system can provide to the site. This information can then be used to assist the engineers in the design of the on-site fire suppression system.
- B50. Per the Letter of Map Revision effective February 18, 2005, of the FIRM (Flood Insurance Rate Map), the parcel is located in a shaded Zone X area, defined as areas of 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 100-year flood. Accordingly, the project site lies in an area with no flood restrictions.
- B51. The proposed project is an area expected to be redesigned into a 100-year flood plain, designated as an AE zone of the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs); the DOU expects the re-designation will be effective December 08, 2008. Contact Nancy Dorfer (916.808.3539) for more information and updates on this issue.