



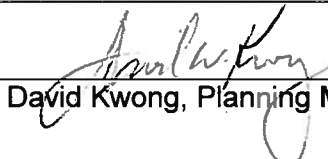
**CITY OF SACRAMENTO PLANNING COMMISSION
RECORD OF DECISION**

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

Project Name: Fresh & Easy Neighborhood Market
Project Number: P08-089
Project Location: 965 El Camino
Assessor's Parcel No.: 265-0322-009-0000
Applicant: Jennifer Daw, Holloway Land Company 442 Pico Way Sacramento, CA 95819
Action Status: Approved Action Date: 10/09/2008

REQUESTED ENTITLEMENT(S): A. Environmental Determination: Exempt (CEQA Guidelines Section 15332, Infill Exemption)
B. Special Permit to construct a 15,001 square foot grocery store in the General Commercial (C-2) zone within the Swanston Transit Village Plan Area.

ACTIONS TAKEN: On 10/09/08, the Planning Commission took the following actions based on the attached findings of fact and subject to the attached conditions of approval:
Approved A-B

Action certified by: 
David Kwong, Planning Manager

Sent to Applicant: 10/10/2008

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 (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 10/19/08. If the 10th day falls on a Sunday or holiday, the appeal may be filed on the following business day.

Findings Of Fact

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 CEQA Guidelines Section 15332, Infill Exemption of the California Environmental Quality Act Guidelines as follows:

This project consists of a request to construct a request to construct a 15,001 square foot grocery store on 1.82 acres in the General Commercial (C-2) zone within the Swanston Transit Village Plan Area. The proposed project is consistent with the General Plan and applicable zoning designations, is located within the City limits on a site that is not more than five (5) acres in size and is substantially surrounded by urban uses, is located at a site with no habitat value, and can be adequately served by utilities and public services. The project would not have significant effects relating to traffic, noise, air quality, or water quality.

B. The Special Permit to construct a 15,001 square foot grocery store in the General Commercial (C-2) zone within the Swanston Transit Village Plan Area is approved subject to the following Findings of Fact and Conditions of Approval:

1. The project, as conditioned, is based upon sound principles of land use in that the proposal to establish a 15,001 grocery store is consistent with the intent to create more pedestrian oriented development in the Swanston Transit Station Village Plan Area and the subject area is currently underserved by grocery store facilities.
2. The project, as conditioned, will not be detrimental to public health, safety, or if it results in the creation of a public nuisance in that the design of the project complies with applicable setback, lot coverage, density, height, landscaping and parking regulations. The project has been conditioned to restrict hours of operation from 6:00 a.m. to 11 p.m. and delivery from 6:00 a.m. to 10:30 p.m.

3. The proposed project is consistent with the General Plan and North Sacramento Community Plan policies of providing a mix of uses and services to support area neighborhoods and promote the strategic development of vacant, underutilized, and infill land, especially along transportation and commercial corridors.

Conditions Of Approval

Conditions of Approval

B. The Special Permit to construct a 15,001 square foot grocery store in the General Commercial (C-2) zone within the Swanston Transit Village Plan Area is approved subject to the following conditions:
General

B1. Development of this site shall be in substantial compliance with the attached exhibits (Exhibits A through G), 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. Applicant shall obtain all necessary building and/or encroachment permits prior to commencing construction.

B3. 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.

B4. The project is required to meet the Sacramento City Code regulations regarding bicycle parking (Section 17.64.050) and shall provide additional bicycle parking facilities at a minimum of 18 bicycle spaces with at least two spaces provide as Class I bicycle lockers.

B5. The applicant shall provide dedicated motorcycle/scooter parking. Any designated motorcycle/scooter parking shall not be to the detriment of onsite proposed hybrid, parent/child, or ADA designated parking. The proposal is required to meet the Sacramento City Code regulations, regarding bicycle parking (Section 17.64.050). A minimum of three bicycle spaces and with at least two Class I bicycle lockers shall be provide as shown on the approved site plan.

B6. Hours of operation shall be between 6:00 a.m. and 11:00 p.m. Delivery hours shall be within the hours of 6:30 a.m. 6:00 a.m. and 10:30 p.m.

B7. Trash and Recycling shall be restricted to occur between the hours of 8:00 a.m. to 5 p.m. on Monday through Friday only.

B8. The applicant shall provide a minimum six foot high solid wall of masonry, brick, or similar material along the northern property line. Said wall shall not extend into any front yard or side street setback area or beyond the required setbacks of the adjacent residential parcels abutting the subject site.

B9. The applicant shall work with design review staff to enhance the west building elevation. Consideration should be given to windows, security camera(s), and additional landscaping - such as a trellis or green screens - to provide additional pedestrian security and amenity.

B10. Applicant shall comply with all Conditions of Approval as set forth by Design Review file DR08-194. Traffic Engineering Division

B11. 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 Department of Transportation. 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 Department of Transportation.

B12. Erickson shall be reconstructed as a modified 53' cross-section. Currently there is only 50' of right-of-

way on Erikson and no additional right-of-way will be required. 1.5' will be removed from the on-street planter to accommodate this difference. However, where trees are to be planted the sidewalk will be reduced and the planter increased to allow for large canopy trees to be planted. These improvements shall be to the satisfaction of the Department of Transportation.

B13. Evergreen shall be reconstructed as a modified 53' cross-section. Currently there is 60' of right-of-way on Evergreen. The extra 3.5' shall be added to the on-street planter. These improvements shall be to the satisfaction of the Department of Transportation.

B14. El Camino shall be reconstructed to match existing improvements. The sidewalk shall be 5' in width and the on-street planter shall be 5' in width. However, where trees are to be planted the sidewalk will be reduced and the planter increased to allow for large canopy trees to be planted. These improvements shall be to the satisfaction of the Department of Transportation.

B15. All new driveways shall be designed and constructed to City Standards to the satisfaction of the Department of Transportation. More specifically the driveway on West El Camino shall be right-in/right-out only and a raised median on El Camino must be constructed to the satisfaction of the Department of Transportation. Also the proposed exit only driveway onto Erikson shall be modified to a full movement driveway.

B16. The minimum throat distance for the El Camino driveway shall be 45' measured from the flow line of El Camino (throat distance is that distance a vehicle can move from the public right-of-way into a given site before encountering a conflict with parking stalls, aisles, etc). The minimum throat distance for the all other site driveways shall be 20' measured from the right-of-way line of the associated street.

B17. The site plan shall conform to A.D.A. requirements in all respects. This will include the reconstruction of any non-compliant corner ramp to the satisfaction of the Department of Transportation.

B18. The applicant must pay a fair share contribution for the planned signal at the intersection of El Camino and Boxwood.

B19. 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.

Department of Transportation – Electrical Division

B20. This project shall 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.

Fire

B21. All turning radii for fire access shall be designed as 35' inside and 55' outside.

B22. 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.

B23. 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

B24. Provide the required fire hydrants in accordance with CFC 508 and Appendix C, Section C105.

B25. 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.

B26. Provide a water flow test. (Make arrangements at the Permit Center walk-in counter: 300 Richards Blvd, Sacramento, CA 95814). CFC 508.4

B27. Provide appropriate Knox access for site

B28. 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.

B29. 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.

B30. 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.

B31. 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

B32. Any new domestic water services shall be metered. Per City Code 13.04.070 and the Department current Tap Policy, commercial lots may have more than 1 domestic tap. A separate water irrigation service will be required for the proposed landscaping. Excess domestic water services must be abandoned to the satisfaction of the Department of Utilities (DOU). (Note: There is an existing 6" water main in El Camino Avenue, a 6" water main in Erickson Street and a segment of an 8" water main in Evergreen Street)

B33. Multiple fire services are allowed per parcel and may be required.

B34. All water connections shall comply with the City of Sacramento's Cross Connection Control Policy.

B35. All onsite water, sewer and storm drain facilities shall be private facilities maintained by the property owners.

B36. There is an existing 8" sewer line that terminates with a sewer manhole in the project site. This manhole may need to be relocated to the satisfaction of DOU.

B37. There is an existing 12" sewer line in Evergreen Street. New sewer service shall be connected to this line to the satisfaction of DOU.

B38. The lot shall be graded so that drainage does not cross property lines.

B39. An on-site drainage study and shed map is required. This study and shed map shall be approved by the DOU. 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.) Sufficient off-site and on-site spot elevations shall be provided in the drainage study to determine the direction of storm drain runoff. There is no drainage system in the adjacent streets. Post development drainage from the site can sheet flow into the street. Per Condition 14, on-site treatment control is required and depending on a specific storm water treatment system chosen, there may be a need for the extension of a public drainage system and constructed to the satisfaction of DOU.

B40. 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.

B41. Building pad elevations shall be a minimum of 1.5 feet above the controlling overland release elevation and a minimum of 1.2 feet above the highest adjoining back of sidewalk elevation. Finished building pad elevations shall be accepted by the DOU.

B42. Per City Code, the applicant may not develop the project in anyway that obstructs, impedes, or interferes with the natural flow of existing off-site drainage that crosses the property. The project shall construct the required public and/or private infrastructure to handle off-site runoff to the satisfaction of the DOU. If private infrastructure is constructed to handle off-site runoff, the applicant shall dedicate the required private easement.

B43. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance will require 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.

B44. This project is greater than 1 acre; therefore, the project is required to comply with the "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 Department of Utilities 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.

B45. Post construction, storm-water 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 not served by a regional water quality control facility, both source control and on-site treatment control measures (e.g. storm-water planters, detention basin, infiltration basin and/or trench, media filters (Austin Sand Filter), vegetated filter strips and/or swales, and pre-approved proprietary devices) are required. Improvement plans must include the source controls and on-site treatment control 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.

Advisory Notes

Utilities

1. Many projects within the City of Sacramento require on-site booster pumps for fire suppression and domestic water systems. During the early planning stages of the project and prior to design of the subject project, the Department of Utilities 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.

2. Per Sacramento City Code, water meters shall be located at the point of service which is the back of curb for separated sidewalks or the back of walk for connected sidewalks.

3. The proposed project is located in the Flood zone designated as a Shaded X zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that have been revised by a Letter of Map Revision effective February 18, 2005. Within the Shaded X zone, there are no requirements to elevate or flood proof.

Parks

4. 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 \$5,100. This is based on 15,001sq. ft at the retail rate of \$.34 per sq. ft (this is not the Specified Infill Rate, at this location the infill rate applies to residential). Any changes 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.

SRCS D

5. Developing this property may require the payment of sewer impact fees. Applicant should contact the Fee Quote Desk at (916) 876-6100 for sewer impact fee information.

Police

6. Landscaping

a. Landscaping shall be of the type and situated in locations to maximize observation while providing the desired degree of aesthetics. Security planting materials are encouraged along fence and property lines as well as under vulnerable windows.

b. The perimeter-landscaped areas shall incorporate security-type plant materials to discourage persons from cutting through parking areas or trampling the vegetation or climbing perimeter fence or walls.

c. The perimeter of the site shall be fenced during construction and security lighting and security guards shall be employed and deployed as necessary.

7. Parking

a. The parking area shall be illuminated at a level of 1.5 foot candles minimum at all hours with ramps, corners, & entrances 1.0-1.25 foot candles during hours of darkness.

b. The area should be routinely patrolled by security.

c. Parking areas & sidewalks shall be designed to provide added visibility and a sense of security.

d. All parking areas shall be laid out to allow a high degree of observation.

e. Space shall be designated and clearly marked near the main entrance for passenger loading and unloading.

f. All handicapped, compact loading/unloading, & delivery parking spaces shall be clearly marked with pavement markings and appropriate signs.

g. All entrances to the parking areas shall be posted with appropriate signs per 22685(a) CVC to assist in removing vehicles at the property owner's/manager's request.

8. Lighting

a. Project lighting shall be as follows: 1.5 foot candles of minimum maintained illumination per square foot of parking space during business hours and 0.25 foot candles of minimum illumination per square foot of surface on any walkway, alcove, passageway, etc from ½ hour before dusk to ½ hour after dawn. All light fixtures shall be equipped with vandal-resistant covers/lenses.

b. Parking lots, aisles, passageways, recesses, & grounds contiguous to buildings shall be provided with high intensity discharge lighting with sufficient wattage to provide adequate illumination for the safety and security of vehicles and pedestrians using the site during the hours of darkness or diminished lighting.

c. All exterior doors shall be adequately illuminated at all hours with their own light source.

d. Exterior door, perimeter, canopy, & parking area lights shall be controlled by photocell and shall remain on during the hours of darkness or diminished lighting.

e. Each entry, patio, & pedestrian exterior door shall be equipped with its own light source.

9. Windows

a. Windows should be focused for observation of common use areas, & outside vehicle parking to provide for self-policing and a sense of community.

10. Doors

a. All storage, mechanical, electrical, maintenance, & roof access doors shall be of solid core wood or hollow sheet metal with a thickness of 1 ¾ inches and shall be secured by a deadbolt lock with a minimum throw of 1 inch.

b. Entrance doors into individual offices shall be secured with a single cylinder deadbolt lock with a minimum throw of 1 inch as well as door latches with a ½ inch minimum throw. The locks shall be constructed so that both deadbolt and dead latch can be retracted by a single action of the interior doorknob.

c. A 180-degree viewing device (a.k.a. peephole) shall be installed in solid doors for any office where money is handled (e.g. an office where receipts are counted, or an office with a safe).

d. Exterior doors shall be equipped with self-closing devices.

e. Doors with panic bars shall have vertical rod panic hardware with top and bottom latch bolts.

f. Any rear door used to admit employees or deliveries shall be equipped with a 180-degree viewing device to screen persons before allowing entry.

g. Glass doors shall be secured with a deadbolt lock with a minimum throw of 1 inch. The outside ring should be free-moving and case-hardened. Doors with glass panels and with glass panels adjacent to the door frame shall be secured with burglary-resistant glazing or the equivalent if double-cylinder deadbolt locks are not installed.

11. Roof Openings

a. All glass skylights on the roof of any building shall be provided with ONE of the following:

- Rated burglary-resistant glass or glass-like acrylic material
- Iron bars of at least ½ inch round or 1 by ¼ inch flat steel material spaced no more than 5 inches apart under the skylight and securely fastened
- A steel grill of at least 1/8 inch material or 2 inch mesh under skylight and securely fastened

b. All hatchway openings on the roof of any building shall be secured as follows:

- If the hatchway is of wooden material, it shall be covered on the outside with at least 16-gauge sheet steel or its equivalent attached with screws.
- The hatchway shall be secured from the inside with a slide bar or slide bolts. The use of crossbar or padlock must be approved by the fire department.
- Outside hinges on hatchway openings shall be provided with non-removable pins when using pin-type hinges.

c. All air duct or air vent openings exceeding 8"x12" on the roof or exterior walls of any building shall be secured by covering the same with ONE of the following:

- Iron bars of at least ½ inch round or 1 by ¼ inch flat steel material, spaced no more than 5 inches apart and securely fastened
- A steel grill of at least 1/8 inch material or 2 inch mesh and securely fastened

d. If the barrier is on the exterior, it shall be secured with galvanized rounded head flush bolts of at least 3/8 inch diameter on the exterior.

12. Numbering

a. All buildings shall comply with City addressing specifications.

b. The address shall be located in the roof so that it is easily viewed from a law enforcement aircraft.

13. Alarms

a. All alarms shall be approved by the Sacramento Police Department's Alarm Unit.

14. Miscellaneous Security Measures

a. Closed-circuit television cameras shall be employed to monitor high-risk areas in case of robbery or other serious felony.

b. Access into miscellaneous storage areas should be strictly controlled.

c. A central security office with restricted access should be included to monitor the following:

Intrusion detection annunciators in all project phases

Closed-circuit television monitors

Any card key access control and mini-processor with hard copy print out and annunciators

Base station radio equipment

Telephones

Fire protective devices

Emergency power supply equipment

Public safety communications systems and inter-com system

Documented procedures manuals for emergency operations

15. Entire Project Conditions

a. The applicant shall post the property "No Trespassing" and sign an agreement with the Police Department to prosecute all violators. This agreement shall be kept on file on the premises as well as the Police Department. The Police Department shall be named as the enforcing agent of 602 (k) CPC.

b. No public telephone shall be installed on the site.

c. Signs shall be posted prohibiting consumption of alcoholic beverages in the business or in the parking areas.

d. All applicants shall be responsible for the daily removal of all litter generated by the business, from the subject site, adjacent properties, & streets.

e. All dumpsters must be kept locked.