

P93-156 - TANDY INCREDIBLE UNIVERSE STORE

REQUEST:

The entitlements necessary to develop a 185,000± square foot electronics and appliance megastore [Tandy's Incredible Universe] and a 10,000± square foot retail pad building on a site totaling 19.5± vacant acres at the northeast corner of Interstate 80 and Northgate Boulevard in the North Natomas community:

- A. Negative Declaration
- B. Mitigation Monitoring Plan
- C. Rezone of 8.7± vacant acres from Manufacturing-Industrial Park- Planned Unit Development (MIP-PUD) to Light Industrial- PUD (M-1(S)-PUD)
- D. PUD Designation for "Project Meteor/ Incredible Universe PUD"
- E. Establish "Project Meteor/ Incredible Universe PUD" Schematic Plan and Development Guidelines
- F. Special Permit to allow development of a 185,000± square foot electronics and appliance megastore in the proposed Project Meteor/Incredible Universe PUD
- G. Lot Line Adjustment to merge five lots into three lots
- H. Street Abandonment of Cargo Court/ Old Northgate Boulevard on the site

LOCATION:

NE corner of Northgate Boulevard and Interstate 80
237-0017-002, 004, 005; 237-0031-043, 044
North Natomas
Robla School District
Council District 1

APPLICANT:	Tandy Corporation, c/o Winstead, Sechrest and Minick, P.C. (Barry Knight) (214) 745-5274 1201 Elm Street, Suite 5400, Dallas, TX 75270
OWNER:	Northgate Marketplace Joint Venture/ Centennial Community Developers, Inc. (714) 634-9200 PO Box 399, Orange, CA 92666-0399
PLANS BY:	The Spink Corporation (Mike Smith) (916) 925-5550 2590 Venture Oaks Way, Sacramento, CA 95833
APPLICATION FILED:	October 18, 1993
STAFF CONTACT:	Carol Shearly, 264-5893

SUMMARY/RECOMMENDATION: The applicant is proposing to construct a 185,000± square foot electronics and appliance megastore, known as Incredible Universe, with 1,104 parking spaces on a 17.7± acre vacant parcel which is proposed to be part of the Project Meteor/ Incredible Universe PUD. The existing Radio Shack warehouse in Woodland would be consolidated into this site. The Incredible Universe store is projected to generate \$60 to 70 million in annual sales and employ about 300 persons. A 1.8± acre parcel for a 10,000± square feet retail pad building with 118 parking spaces is also proposed for inclusion in the PUD. A Special Permit will be required to develop the retail use. In order to meet the applicant's objectives, the project requires the discretionary planning entitlements described above. In evaluating the project, the basic issues are traffic and circulation impacts, storm drainage, building design, land use compatibility, and the sign program.

Staff recommends approval of the project subject to modifications to the Sign Program. This recommendation is based on its consistency with the policies regarding land uses and locating warehouse retail uses in industrial areas; the project is proposed to be located in an area that will not adversely impact residential or other sensitive uses; the project advances City employment and economic development goals; and the project provides adequate setbacks, parking, and landscaping.

PROJECT INFORMATION:

General Plan Designation: 1986 North Natomas	Heavy Commercial or Warehouse
Community Plan Designation: Proposed North Natomas	Light Industrial
Community Plan Designation: Existing Land Use of Site:	Employment Center (50 emps per acre) Vacant
Existing Zoning of Site:	Manufacturing- Industrial Park, MIP-PUD, and Light Industrial, M-1(S)-PUD

Surrounding Land Use and Zoning:

North: Vacant; M-1(S)
 South: Interstate 80; TC
 East: Natomas East Main Drainage Canal; F
 West: Industrial and offices (County); M-1 and MP (County)

Building

Setbacks:	Required	Provided
Front (West):	25'	360'
Side (North):	NR	220'
Side (South):	NR	255'
Rear (East):	NR	20'

Property Dimensions:	Irregular
Property Area:	19.5± acres
Square Footage of Building:	185,000 square foot electronics and appliance megastore and 10,000 square foot retail pad building
Height of Building:	32 feet, 156,263 square foot first floor with 27,941 square foot mezzanine
Exterior Building Materials:	Concrete tilt-up with a metal domed truss structure at the entry
Exterior Building Colors:	Off white and grape
Roof Material:	PVC single ply
Parking Provided:	1,222 spaces total (1,104 for Tandy and 118 for retail pad)
Parking Required:	460 spaces (calculated 50% warehouse (1:1,000sf) and 50% retail (1:250sf))
Bicycle Parking Provided:	19 spaces total, 6- Class 1, 13- Class 1, 2 & 3
Bicycle Parking Required:	19 spaces (calculated at 1 space per 25 required auto parking spaces) 6-Class 1, 13-Class 1, 2, & 3 (calculated at 50% industrial (50% Class 1) and 50% commercial (25% Class 1))
Hours of Operation:	11 A.M. to 10 P.M., 7 days a week
Number of Employees:	300 total employees, 100 per shift
Topography:	Flat
Street Improvements:	Existing and to be constructed
Utilities:	Existing and to be constructed

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>
Transportation Management Plan	Public Works, Transportation Division
Certificate of Compliance	Public Works, Development Services
Driveway Permit	Public Works, Development Services
Recordation of Street Abandonment	Public Works
Building Permit for Anchor Building	Building Division
Building Permit for Access Road	Building Division
Building Permit for Internal Restaurant	Building Division
Special Permit for Retail Pad Bldg	Planning Division
Encroachment Permit	Caltrans

BACKGROUND INFORMATION: On May 19, 1992, the City Council approved the annexation of 8.7± acres from the County of Sacramento into the City (P92-007/ M91-030). During the annexation process, the prezone for the site was Manufacturing-Industrial Park- Planned Unit Development, MIP-PUD, to be consistent with the 1986 North Natomas Community Plan designation of Light Industrial. The adjacent parcels, already located in the City were zoned Light Industrial M-1(S).

On January 3, 1991, Centennial Community Developers, Inc., submitted an application to develop the subject site with a mixed use office, flex-space industrial development (P91-002). This proposal was revised to include 276,800 square feet of office uses, 60,000 square feet of flex-space industrial area, 16,000 square feet of retail, a restaurant, and a child care center. Centennial requested the project be allowed to go forward separate from the North Natomas Working Group effort to revise the 1986 North Natomas Community Plan. The Working Group, composed of North Natomas developers, representatives of the Environmental Council of Sacramento (ECOS) and the Natomas Community Association (NCA), and City staff, agreed to allow the project to move forward if the specific details of the building and site design could be reviewed by members of the Working Group. An appointed task force group met with the applicant and owner several times to forge plans for a transit-friendly, mixed use project that would serve as a gateway project for North Natomas. Members of this task force have reviewed the proposed Incredible Universe store.

Subsequently, the property owner contacted City Planning staff and indicated that a warehouse retailer was interested in the site. Staff indicated that the use would be acceptable at the site due to the nature of the current office market, the fact that the site was located adjacent to County industrial uses, was not located in close proximity to residential uses, has good freeway access and was not located near proposed light rail transit. Conversations began to design a building and site plan to house the Tandy Incredible Universe store. The property owner intends to withdraw the previous application (P91-002) subject to approval of the present application.

STAFF EVALUATION: Staff has the following comments:**A. Policy Considerations**

The proposed project is consistent with numerous goals and policies set forth in the 1986 North Natomas Community Plan, the proposed North Natomas Community Plan, and the General Plan. The pertinent goals and policies from each document are listed below, followed by an explanation of how the project meets these goals and policies.

1. General Plan

- Continue to identify and attempt to minimize potential adverse impacts from increased industrial development (p.4-19).
- Allow industrial development only in areas where potential impacts can be expected to be minimized (p.4-20).
- Provide expanded employment opportunities for City residents, particularly the unemployed and economically disadvantaged (p.4-22).
- Strongly encourage employers to incorporate local hiring preferences (p.4-22).
- Assist private interests to maintain and strengthen the competitive advantages of Sacramento's warehousing/ distribution industry (p.4-19).

The General Plan does not include specific policies related to warehouse retail uses, a relatively new phenomena. The proposed warehouse retail use is located in one of the City's identified major industrial areas, according to the diagram in the General Plan (p. 4-8). The site is adequately buffered from residential and other sensitive uses. The projected 300 employees is a significant new employment opportunity for the area. Also, the project intends to relocate an existing warehouse/ distribution center from Woodland to North Natomas which will strengthen the area's distribution industry. The Light Industrial development anticipated in North Natomas would be compatible with both the Heavy Commercial/ Warehouse and Industrial Manufacturing designations (p.4-11). The proposed warehouse retail use is consistent with the Light Industrial designation.

2. 1986 North Natomas Community Plan

- Encourage development of industrial and office land uses along freeway corridors (p.31).

- Provide the opportunity to serve highway oriented uses where appropriate (p.27).
- All developments will be approved as PUD's under the provisions of the City's Zoning Ordinance (p.15).

The highway oriented, industrial project is located along the I-80 freeway corridor. The use is highway oriented in that it relies on auto and truck traffic to function and the applicant anticipates generating 10 percent of its customers from 100 miles or more away.

3. Proposed North Natomas Community Plan

- The Light Industrial (LI) land use designation is intended for light manufacturing, warehousing, and distribution uses in a business park setting. Support retail uses are encouraged to serve the employers and employees on the site. Number of employees per acre is estimated to not exceed 20. (p.7)
- Local hiring incentives and referral programs for major employers should be expanded where needed to ensure that City residents benefit from Sacramento's growing economy. The following are examples of such programs:

Northgate/Norwood Enterprise Zone: Enterprise zones, specifically the Northgate/Norwood zone, can be utilized as an economic development tool. State tax incentives are offered to businesses that hire 30 percent of their employees from High Density Unemployment Areas (p. 78-79).

- Warehouse retail uses could be located in North Natomas if they meet the following criteria:
 - a) close freeway access but does not have to be adjacent to the freeway;
 - b) access to an arterial with sufficient capacity to accommodate the traffic generated by this use;
 - c) not adjacent to residential uses; and
 - d) generally acceptable in light industrial areas (p. 27).
- A Planned Unit Development (PUD) designation is required for any development in the North Natomas area (p.31).

- ◆ S. Sacramento\Greenhaven Chamber of Commerce, c/o Thomas Burruss;
- ◆ S. Sacramento Neighborhood Coalition c/o Mary Brill;
- ◆ Sacramento County Alliance of Neighborhoods, c/o Mary Brill; and
- ◆ Power Inn BTA, c/o Dain Domich
- ◆ Rosemont Community Association

As of the date of this report, no comments have been received.

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. Public Works Comments: Comments received related to dedication of right-of-way for the widening of South Watt Avenue and Elder Creek Road, construction of full frontage improvements, including street lighting along South Watt Avenue and Elder Creek Road, and payment of fair share toward the proposed signal at the intersection of South Watt Avenue and Elder Creek Road. Conditions have been included in the Notice of Decision and Findings of Fact (Attachment 1), to address these concerns.
2. Department of Utilities: Comments received related to grading, drainage and storm water quality control measures and water flows. Conditions have been included in the Notice of Decision and Findings of Fact (Attachment 1), to address these concerns.
3. Solid Waste Division: Comments received related to recycling and solid waste service. Conditions have been included in the Notice of Decision and Findings of Fact (Attachment 1), to address these concerns.
4. County Sanitation District 1: Comments received related to construction of a public collector sewer, existence of a 3-inch diameter oxygen line in connection with an 102-inch diameter interceptor sewer in the vicinity, and payment of sewer impact fees. Conditions have been included in the Notice of Decision and Findings of Fact (Attachment 1), to address these concerns.
5. Sacramento Metropolitan Air Quality Management District: Comments received related to compliance with District Rules and permitting requirements. Conditions have been included in the Notice of Decision and Findings of Fact (Attachment 1), to address these concerns.
6. Fire Department: Comments received related to hydrant installation. Conditions have been included in the Notice of Decision and Findings of Fact (Attachment 1), to address these concerns.

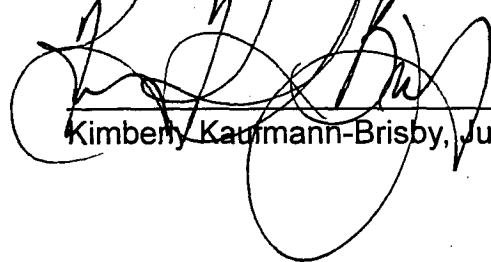
7. Police Department: Comments received related to lighting, landscaping, installation of security measures, alcohol sales (sizes/quantities to be sold), and pay phones. Conditions have been included in the Notice of Decision and Findings of Fact (Attachment 1), to address these concerns.

PROJECT APPROVAL PROCESS: Of the entitlements being requested, the Planning Commission has the authority to approve or deny all the entitlements listed below. The Planning Commission action may be appealed to the City Council or called up by a member of the City Council. The appeal or City Council call up must occur within 10 days of the Planning Commission action.

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

- A. Adopt the attached Notice of Decision and Findings of Fact ratifying the **Negative Declaration**;
- B. Adopt the attached Notice of Decision and Findings of Fact approving the **Mitigation Monitoring Plan**;
- C. Adopt the attached Notice of Decision and Findings of Fact approving the **Special Permit** to establish a 24 hour convenience market within 500 feet of residential uses;
- D. Adopt the attached Notice of Decision and Findings of Fact approving the **Special Permit** to allow the sale of beer and wine for off-premises consumption within a proposed 24-hour convenience market;
- E. Adopt the attached Notice of Decision and Findings of Fact approving the **Plan Review** of a gas station, (3,088± sq.ft. mini-market and 1,080± sq.ft. car wash) in the M-1SR zone; and
- F. Adopt the attached Notice of Decision and Findings of Fact approving the **Variance** to reduce the required 25-foot landscape setback to allow minor encroachments by parking and driveways.
- G. Adopt the attached Notice of Decision and Findings of Fact approving the **Variance** to reduce the required 180 feet of stacking distance for the drive-thru to 160± feet. **(Withdrawn by Staff)**

Report Prepared By,


Kimberly Kaufmann-Brisby, Junior Planner

Report Reviewed By,


Thomas S. Pace, Senior Planner

Attachments

Attachment 1	Notice of Decision & Findings of Fact
Exhibit 1a	Mitigation Monitoring Plan
Exhibit 1b	Site Plan
Exhibit 1c	Front and Side Elevations
Exhibit 1d	Canopy Elevations
Exhibit 1e	Landscape Concept
Attachment 2	Vicinity Map
Attachment 3	Land Use & Zoning Map

Attachment 1

**NOTICE OF DECISION AND FINDINGS OF FACT
for
THE SOUTH WATT SERVICE CENTER LOCATE AT THE
SOUTHWEST CORNER OF SOUTH WATT AVENUE AND
ELDER CREEK ROAD IN SACRAMENTO, CALIFORNIA
IN THE LIGHT INDUSTRIAL SPECIAL REVIEW (M-1S R)
ZONE.**

(P00-105) (APN: 064-0033-029)

At the regular meeting of July 26, 2001, the City Planning Commission heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Planning Commission took the following actions for the location listed above:

- A. **Ratified the Mitigated Negative Declaration;**
- B. **Mitigation Monitoring Plan;**
- C. **Approved a Special Permit** to establish a 24 hour convenience market within 500 feet of residential uses;
- D. **Approved a Special Permit** to allow the sale of beer and wine for off-premises consumption within a proposed 24 hour convenience market;
- E. **Approved a Plan Review** of a gas station, (3,088±sq.ft. mini-market, and 1,080± sq.ft. car wash) in the M-1SR zone; and
- F. **Approved a Variance** to reduce the required 25 foot landscape setback to allow minor encroachments by parking spaces and driveways.
- G. **Approved a Variance** to reduce the required 180 feet of stacking distance for the drive-thru to 160± feet. **(Withdrawn by Staff)**

These actions were made based upon the following findings of fact and subject to the following conditions:

FINDINGS OF FACT

- A. **Negative Declaration:** The City Planning Commission approves the Negative Declaration (the Negative Declaration is approved), based upon the following

findings:

1. The Negative Declaration was prepared and circulated for the above-identified project pursuant to the requirements of CEQA;
2. The proposed Negative Declaration and comments received during the public review process were considered prior to action being taken on the project;
3. Based upon the Initial Study and the comments received during the public review process, there is no substantial evidence that the project will have a significant effect on the environment.

B. Mitigation Monitoring Plan: The Mitigation Monitoring Plan is approved based upon the following findings of fact:

1. One or more mitigation measures have been added to the above-identified project;
2. A Mitigation Monitoring Plan has been prepared to ensure compliance and implementation of the mitigation measures for the above-identified project, a copy of which is attached as Exhibit 1aA;
3. The Mitigation Monitoring Plan meets the requirements of Public Resources Code Sec. 21081.6.
4. The Mitigation Monitoring Plan is approved, and the mitigation measures shall be implemented and monitored as set forth in the Plan.

C. Special Permit to operate a 24-Hour convenience market: The Special Permit to operate a 24-Hour convenience market within 500 feet of a Residential use is **approved** subject to based on 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 gas station/convenience market will be in keeping with the use permitted in the Light Industrial Special Review (M-1S R) zone;
2. The proposed use will not adversely affect the peace and general welfare of the surrounding industrial neighborhood;
2. The project, as conditioned, will not be detrimental to the public welfare nor result in the creation of a public nuisance in that the site is designated for this use and has been designed with public safety in mind.

3. The proposed development will not enlarge or encourage the development of a skid row or blighted area in that the construction materials and elevation designs have been reviewed by Planning Staff for compatibility with the existing area.
4. The proposed use will not be contrary to or adversely affect any progress of redevelopment or neighborhood conservation in that the project site is not within a designated redevelopment area;
5. The project is consistent with the General Plan designation of Heavy Commercial or Warehouse.

D. Special Permit to allow the sale of beer and wine for off-premise consumption: The Special Permit to allow the sale of beer and wine for off-premise consumption is **approved** based on the following findings of fact and conditions of approval:

1. The proposed use, as conditioned, will not adversely affect the peace or general welfare of the surrounding neighborhood in that conditions regarding the security of the site have been imposed;
2. The proposed use will not result in an undue concentration of establishments dispensing alcoholic beverages in that there are two other convenience markets selling alcoholic beverages approximately one-mile distant from the proposed project;
3. The project, as conditioned, will not be detrimental to the public welfare nor result in the creation of a public nuisance in that the site is designated for this use and has been designed with public safety in mind;
4. The proposed development will not enlarge or encourage the development of a skid row or blighted area in that the construction materials and elevation designs have been reviewed by Planning Staff for compatibility with the existing area.
5. The proposed use will not be contrary to or adversely affect any progress of redevelopment or neighborhood conservation in that the project site is not within a designated redevelopment area;
6. The project is consistent with the General Plan designation of Heavy Commercial or Warehouse.

E. Plan Review to allow the development of a gas station, (3,088±sq.ft. mini-market, and 1,080± sq.ft. car wash) in the M-1SR zone; The Plan Review of a gas station, (3,088±sq.ft. mini-market, and 1,080± sq.ft. car wash) in the M-1SR zone is

approved based on 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 proposed gas station/market, and carwash will provide standard neighborhood amenities to the area;
2. The project provides adequate parking for the convenience market;
3. The project, as conditioned, will not be detrimental to the public welfare nor result in the creation of a public nuisance in that the site is designated for this use and has been designed with public safety in mind.
4. The proposed development will not enlarge or encourage the development of a skid row or blighted area in that the construction materials and elevation designs have been reviewed by Planning Staff for compatibility with the existing area.
5. The proposed use will not be contrary to or adversely affect any progress of redevelopment or neighborhood conservation in that the project site is not within a designated redevelopment area; and
6. The project is consistent with the General Plan which designates the site for Heavy Commercial or Warehouse.

F. Variance to reduce the required 25 foot landscape setback. The Variance to reduce the required 25 foot landscape setback to allow minor encroachments by parking spaces and driveways is **approved** based on the following findings of fact:

1. The project, as conditioned, is based upon sound principles of land use in that the gas station/convenience market will be in keeping with the use permitted in the Light Industrial Special Review (M-1S R) zone;
2. The project, as conditioned, will not be injurious to the public health, safety or welfare nor to surrounding properties in that adequate traffic sight distance will be provided along both Elder Creek Road and South Watt Avenue;
3. The Variances do not constitute a special privilege extended to an individual property owner in that the site has an unusual triangular configuration which makes strict compliance difficult;
4. The project is in conformance with the City's General Plan, South Sacramento Community Plan, and Zoning Ordinance which designates the site for commercial or industrial use.

- G. Variance to reduce the required 180 feet of stacking distance for the drive-thru to 160± feet. **(Withdrawn by Staff).**

CONDITIONS OF APPROVAL

- C. The **Special Permit** to operate a 24-Hour convenience market within 500 feet of a Residential use is hereby approved subject to the following conditions :

Police Department Conditions:

Building/Site Design

- C1. Lighting levels shall be as follows: 1.5 foot-candles of minimum maintained illumination per square foot of parking space between the hours of dusk and one hour after sunrise. A minimum of 0.25 foot-candles of illumination shall be provided at the surface of any walkway, alcove, or passageway related to the project during the same hours;
- C2. Prior to the issuance of building permits, the applicant shall submit a detailed landscape plan to the Planning Director and Police Department staff for review subject to the following requirements:
- All landscaping shall be maintained at a minimum plant and/or shrub height of 30 inches and trees maintained at a minimum distance of 6 feet from lowest branch to the ground;
- C3. Decorative planting shall be maintained so as not to obstruct or diminish lighting levels throughout the project;
- C4. Applicant shall provide bicycle security racks at the front of the business;
- C5. The following minimum security standards shall be incorporated into the interior design of the building:
- a. The cashier/employees shall have remote capability to lock the front door to the business;
 - b. Cashier stations shall be raised to provide a noticeable height advantage to employees;
 - c. Cashier station(s) shall be visible from parking areas;

- d. The facility shall be equipped with UL approved money safes. Signs shall be prominently posted stating that employees do not have access to the safe;
 - e. Display counters shall be low enough that the cashier has visibility throughout the store;
 - f. All secondary access doors shall have installed therein a "fish eye-peep hole" for surveillance purposes;
 - g. Design building to allow for maximized window surveillance of all outside areas by employees from the employees primary work positions and/or install video cameras for outside areas;
 - h. Mirrors or closed circuit television will be placed in such a manner as to provide employees with the ability to observe all hidden corners and blind spots; and
 - i. The parking area must be visible for internal monitoring. Where windows are not appropriate for this purpose, closed circuit television shall be used;
- C6. The owner/operator shall work with the South Patrol Police Facility to ensure that the property is posted for "No Loitering" in accordance with 602(k) P.C. An agreement is to be filed with the Police Department which will allow officers to remove loiterers and reflects the operator/owners agreement to prosecute.

Police Department - Ongoing Operational/Security Conditions

- C7. The owner/operator shall provide two working toilet facilities for use by the public. These rest rooms must be self locking and the keys must be available from employees. Extra keys must be available on the premises in case of an emergency. Locks may be of the electronic remote control type. Interior rest rooms must be visible to attendants;
- C8. Store windows shall be left unobstructed by either signage and/or display racks, shelving, and merchandise in order to allow viewing of the interior of the business by patrolling police;
- C9. All illegal activities observed on or around the business shall be promptly reported to the Police Department;
- C10. No public pay telephones shall be maintained on the exterior of the premises;

- C11. 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 and in the Police Department;
- C12. Signs shall be posted prohibiting consumption of alcoholic beverages in the business or in the parking areas. Signs shall read: "It is unlawful to enter or remain on these premises, adjacent parking lot, or adjacent public sidewalk with an open alcoholic beverage container. P.C. 647e(a)" - plus any appropriate local ordinances. Lettering to be block style and a minimum of 2 ½" in height. Signs will be clearly visible to the patrons of the business parking lot and to persons on the public sidewalk;
- C13. Business rules shall be posted in the business interior in a conspicuous place;
- C14. The applicant shall be responsible for the daily removal of all litter generated by the business, from the subject site, adjacent properties and streets **within 300 feet of the property border**;
- C15. The applicant shall agree to a "good neighbor policy." The "good neighbor policy" shall require that if any significant problems arise and the City receives complaints about the use, the City will commence with Special Permit revocation hearings at the cost of the property owner. The revocation hearing shall be at the discretion and direction of the Planning Commission;

Planning Division Conditions

Operational Conditions

- C16. Outdoor display/sales of merchandise (including but not limited to ice machines, coffee carts and soda displays) is prohibited;
- C17. The owner/operator shall maintain the grounds and landscaped areas in a clean, weed free and groomed manner. Landscaping shall be replaced with live, healthy plants, trees and grass as needed if original landscaping dies;
- C18. The owner/operator shall be responsible for the removal of all litter/debris generated by the businesses located on this property. At a minimum the owner/operator shall have the employees:

Inspect the area within **300 feet of the property border** ~~a one block direction~~ (all directions) of this business once a day and remove any

litter/debris that has accumulated; and

Inspect the parking lot, landscape setbacks and building perimeter a minimum of two times per day and remove any litter or debris that has accumulated on the site;

- C19. The owner/operator shall be responsible for the abatement/removal of any and all graffiti on the buildings and walls within 48 hours. The Neighborhood Services Department at www.cityofsacramento.org/npsds/graffiti or (916) 264-5948, is available to assist the operator by providing information for preventative measures to reduce the occurrence of graffiti.

Graffiti shall mean any unauthorized inscription, work, figure or design that is marked, etched, scratched, drawn, or painted on or otherwise affixed to or on any surface;

- C20. Owner/Operator shall be prohibited from hanging any banners from or on the exterior of the building(s), any other structures and/or plant material;

- C21. Fencing/Gating is not approved with this Special Permit. Any proposal to fence or gate the project site will require the review and approval of Planning Staff and/or the City Planning Commission;

- D. The **Special Permit** to allow the sale of beer and wine for off-premises consumption is hereby approved subject to the following conditions:

Alcoholic Beverages

- D1. The sale of alcohol shall be limited to beer and wine only, no distilled (hard) liquor sales allowed;
- D2. Beer shall not be sold in quantities of less than one six pack;
- D3. Wine coolers shall not be sold in quantities of less than factory packs of four;
- D4. No advertising of beer or wine sales shall be allowed on exterior signs or window signs on the site;
- D5. The words "beer," "wine" or "liquor" shall not appear in the name or on any signs;
- D6. The applicant shall install buzzers on doors of the cold box to notify clerks that door is open;

- D7. The owner/operator shall work with the South Patrol Police Facility to ensure that the property is posted for "No Loitering" in accordance with 602(k) P.C. An agreement is to be filed with the Police Department which will allow officers to remove loiterers and reflects the operator/owners agreement to prosecute.

Police Department - Ongoing Operational/Security Conditions

- D8. Alcoholic Beverages shall not be sold between the hours of 12:00 a.m. (midnight) and 6:00 a.m.

- E. The Plan Review of a gas station, (3,088 sq. ft. mini-market and 1,080 sq.ft. car wash) in the M-1S R zone is hereby **approved** subject to the following conditions:

Public Works Department Conditions:

- E1. Construct frontage improvements (i.e. curb, gutter, sidewalk, and street lights) on both Elder Creek Road and South Watt Avenue. Improvements shall be constructed per City codes and Standards and to the satisfaction of the Department of Public Works;
- E2. The applicant shall pay fair share of the proposed signal at the intersection of South Watt Avenue and Elder Creek Road. The fair share amount shall be coordinated with the County of Sacramento;
- E3. Dedicate sufficient right-of-way and construct the expanded intersection on Elder Creek Road. Elder Creek Road shall be widened to a 4-lane facility with an expanded intersection. The expanded intersection shall be designed with two left turn lanes, two through lanes, a bike lane, and a right turn pocket lane (See Exhibit 1b). The construction of Elder Creek Road shall include a median and be constructed to City codes and standards and to the satisfaction of the Department of Public Works. **Applicant shall be reimbursed for excess roadway costs, per provisions of the Major Street Construction Tax: Improvements eligible for reimbursements are those farther than 25-feet from the face-of-curb of the base roadway (that portion of the road without turn lanes).**
- E4. Dedicate sufficient right-of-way and construct the widening of South Watt Avenue to a 6-lane facility(See Exhibit 1b). The construction shall be per City codes and standards and to the satisfaction of the Department of Public works. The construction of South Watt Avenue shall be coordinated with the County of Sacramento, Department of Public Works. **Applicant shall be reimbursed for excess roadway costs, per**

provisions of the Major Street Construction Tax: Improvements eligible for reimbursements are those farther than 25-feet from the face-of-curb of the base roadway (that portion of the road without turn lanes).

- E5. The improvement plans shall include conduit work and pull boxes for the signal at the intersection of South Watt Avenue and Elder Creek Road, and shall be reviewed by both the City and County of Sacramento Public Works Departments;
- E6. This project shall require street lighting. The design and construction of the street lights shall be to the satisfaction of the Department of Public Works electrical section;

Department of Utilities Conditions:

Water:

- E7. Provide standard subdivision improvements per Section 16.48.110 of the City Code. The owner / applicant shall be required to extend the 12 inch water main along South Watt Avenue to the railroad as part of the off-site improvements to the satisfaction of the Department of Utilities;
- E8. Any new domestic water services shall be metered. Only one domestic water service will be allowed per parcel;
- E9. Multiple fire services are allowed per parcel and may be required;

Sewer:

- E10 The proposed development is located within County Sanitation District No. 1. Contact the Regional Sanitation District for sanitary sewer conditions;

Drainage:

- E11. 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. 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). Our records indicate that the drainage main in public road right-of-way may be maintained by Sacramento County. Contact County for any storm drain conditions or requirements;

Grading and Water Quality:

- E12. Post construction, stormwater quality control measures shall be incorporated into the fueling area to minimize the increase of urban runoff pollution and non-stormwater discharges. **These measures may affect site design and site configuration and therefore, should be considered during the early planning stages.** Improvement plans must include source control measures. Refer to the "Guidance Manual for On-site Stormwater Quality Control Measures" dated January 2000;
- E13. 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;
- E14. 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 Department of Utilities;
- E15. 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. Only source control measures are required. This will not affect site design. Refer to the "Guidance Manual for On-site Stormwater Quality Control Measures" dated January 2000, for appropriate source control measures;

County Sanitation District 1 Condition:

- E16. Construction of public collector sewer will be required to the satisfaction of County Sanitation District 1 (CSD 1). Sacramento County Improvement Standards apply to on-site sewer construction;

County Sanitation District 1 Advisories:

- E17. Developing this property may require the payment of additional sewer impact fees. Applicant should contact the Fee Quote Desk at 875-6100 for sewer impact fee information;
- E18. An existing 3-inch diameter oxygen line associated with the 102-inch diameter interceptor sewer adjacent to the west side of Elk Grove-Florin Road may fall within the limits of the project area. Special care should be taken to avoid any disturbance of this facility;

Fire Department Conditions:

- E19. Fire hydrant systems. Plans and specifications for the required fire hydrant installation on the south side of Elder Creek Road at the property boundary shall be submitted to the fire department for review and shall be approved prior to the start of construction. CFC 901.2.2.2;

Department of Public Works-Solid Waste Division Conditions:

- E20. Design the trash and recyclable enclosure space with sufficient room to accommodate both solid waste collection and the collection of recyclable commodities. The recycling volume required to be built in to the front end of the project is 1 cubic yard. Staff recommends this capacity be exceeded to accommodate the amount of cardboard that will be generated by this project. The recycling capacity of 1 cubic yard is in addition to the cubic yard capacity needed for solid waste disposal;
- E21. The project developer shall target cardboard, wood waste, scrap metal, and dry wall for recovery during construction of the facility;
- E22. The applicant should indicate how employees and residents will be instructed in the use of the trash/recycling receptacles. It is the developer's responsibility to address signage and other mechanisms to be put in place to accommodate tenant's recycling needs;

Police Department Conditions:**Building/Site Design**

- E25. Lighting levels shall be as follows: 1.5 foot-candles of minimum maintained illumination per square foot of parking space between the hours of dusk and one hour after sunrise. A minimum of 0.25 foot-candles of illumination shall be provided at the surface of any walkway, alcove, or passageway related to the project during the same hours;
- E26. Prior to the issuance of building permits, the applicant shall submit a detailed landscape plan to the Planning Director and Police Department staff for review subject to the following requirements:

All landscaping shall be maintained at a minimum plant and/or shrub height of 30 inches and trees maintained at a minimum distance of 6 feet from lowest branch to the ground;

- E27. Decorative planting shall be maintained so as not to obstruct or diminish lighting levels throughout the project;
- E28. Applicant shall provide bicycle security racks at the front of the business;

Planning Division Conditions

Building Design/Site Development

- E29. The owner/applicant shall comply with all requirements of the Mitigation Monitoring Plan prepared for this project;
- E30. The proposed Gas Station/Convenience Market, Gas Pump Canopy, and Car Wash shall be constructed as shown on the attached elevations (Exhibits 1c and 1d), including the following features/accent as shown:
- a. Stucco exterior with a brick wainscot;
 - b. Concrete tile roof;
 - c. Clear glass at the entrance to the building;
 - d. Decorative cornices; and

The final building elevations, material board and colored renderings shall be submitted to Planning staff for review and approval prior to issuance of building permits;

- E31. All roof mounted equipment shall be located behind a parapet wall, appropriately screened from all elevations and any antennae, satellite dishes or other equipment that is visible from the ground shall be painted to match the building;
- E32. A minimum of 12 parking spaces shall be provided on-site for the gas station/convenience market, and car wash. The required parking is based upon the following:

<u>Parking Calculations:</u>	<u>Required/Provided</u>
Car Wash (incidental use, no parking required)	None
Gas Station/Convenience Market (1/250 sq.ft.)	<u>12</u>

12 spaces

- E33. The proposed trash enclosure shall meet the requirements of the adopted trash enclosure guidelines;
- E34. The trash enclosure shall be designed to allow walk-in access by tenants without having to open the main enclosure gates;
- E35. The Trash enclosure shall be constructed of concrete block or similar masonry material and finished with stucco or other material which is comparable in color and texture to the building facades;
- E36. Trash enclosure gates shall be solid metal painted to match the building facades;
- E37. Trash enclosures shall be screened with shrubs and vines and comply with all applicable Zoning Ordinance requirements;
- E38. A recycling statement needs to be submitted to the Building Division for review and approval at the time of application for a Building Permit;

Landscaping/Lighting and Pedestrian Access

- E39. The entirety of the provided landscaped setback area (as shown on Exhibit 1b) shall be installed with lawn, shrubs and trees along South Watt Avenue (from 10 feet to 51 feet) and Elder Creek Road to the satisfaction of the Planning Director. Where trees are planted, the minimum size shall be 15 gallon.
- E40. All paved areas shall meet or exceed the 50 percent shading requirement (the gas pump canopy counts towards the shading requirement);
- E41. Continuous 6" high, 6" wide concrete curbing shall be provided around all planter areas within or adjacent to parking lots and driveways;
- E42. Landscaping shall be provided to screen ground-mounted mechanical equipment, backflow preventors, transformers, and other similar appurtenances to the satisfaction of the Planning Director;
- E43. Decorative light standards shall be used within the parking areas. The light standards shall not exceed 25 feet in height. The light standards shall be black or painted to match the building. The choice of lighting standards will contribute to the design of the overall project;
- E44. Shielding shall be installed on on-sight lighting such that lighting reflects


away from all public streets;

Signage

- E45. A complete sign program for the attached and detached signage for the gas station/car wash, convenience market, and any additional occupancies shall be submitted to the Planning Director for review and approval prior to issuance of any sign permits. The sign program shall be consistent with the City of Sacramento Sign Ordinance;
- E46. A maximum of two detached monument signs, one per street frontage shall be located on the subject site as indicated on Exhibit 1b;
- E47. No signs shall be located on the entrance doors or windows with the exception of the store hours of operation;
- E48. At least one sign indicating a 24-hour emergency phone number and contact person shall be kept current and posted on the building near the main entrance;
- E49. The applicant shall obtain all necessary sign permits prior to commencing with construction or installation of any signs;

Sacramento Metropolitan Air Quality Management District Conditions:

- E50. The provisions of the following District Rules will apply to this project: Rule 448 (Gasoline Transfer into Stationary Storage Containers), Rule 449 (Transfer of Gasoline Into Vehicle Fuel Tanks), Rule 457 (Methanol Compatible Tanks), and Rule 403 (Fugitive Dust). The applicant may wish to contact the District offices at (916) 874-4800 regarding the requirements of these rules; and
- E51. Any project that includes the installation of equipment capable of releasing emissions to the atmosphere may require permit(s) from the Sacramento Metropolitan Air Quality Management District (District) prior to operation. The applicant, developer, or operator of a project that includes an emergency generator, boiler, or heater should contact the District early to determine if a permit is required, and to begin the permit application process. Other general types of uses that require a District permit include dry cleaners, gasoline stations, spray booths, and operations that generate airborne particulate emissions. For further information about permit requirements, contact the District office by calling (916)874-4800.


CHAIRPERSON

ATTEST:

for Cary S. Stonehouse by W. Waitman
SECRETARY TO CITY PLANNING COMMISSION

DATE (P00-105)

Exhibit 1a Mitigation Monitoring Plan
Exhibit 1b Site Plan
Exhibit 1c Front and Side Elevations
Exhibit 1d Canopy Elevations
Exhibit 1e Landscape Concept

Exhibit 1a - Mitigation Monitoring Plan

Recording
Not
Required

-
-
-
-
-

MITIGATION MONITORING PLAN

FOR

S. Watt & Elder Creek Service Center (P00-105)

Type of Environmental Document:
Negative Declaration

Prepared By:
**Raney Planning & Management, Inc.
Cindy Gnos (916)492-9315**

Prepared For:
**City of Sacramento, Planning Division
Kimberly Kaufmann-Brisby, (916)264-5590**

Date:
June 29, 2001

Adopted By:
City of Sacramento Planning Commission

CITY OF SACRAMENTO MITIGATION MONITORING PLAN

This Mitigation Monitoring Plan has been required and prepared for the Department of Planning and Building, Planning Division, 1231 I Street, Room 300, Sacramento, CA 95814, (916)264-5590, pursuant to CEQA Guidelines Section 21081.

SECTION 1: PROJECT IDENTIFICATION

Project Name and/or File Number:	S. Watt & Elder Creek Service Center (P00-105)
Applicant - Name:	Halbear Mark Perlberger
Address:	2100 Northrop Ave., Suite 500 Sacramento, CA 95825
Project Location/Legal Description of Property (if recorded):	Southwest Corner of South Watt Avenue and Elder Creek Road APN: 064-0033-029-0000

SECTION 2: GENERAL INFORMATION

The project as approved includes mitigation measures. The intent of the Plan is to prescribe and enforce a means for properly and successfully implementing the mitigation measures 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 above-mentioned applicant.

SECTION 3: PLAN COMPONENTS

WATER

Mitigation 4.1 (Water Quality):

The applicant shall incorporate the following water quality mitigation measure into the development proposal:

- 4-1 *Prior to issuance of a grading permit, the applicant shall submit an erosion, sediment, and pollution control plan for the review and approval of the City of Sacramento Department of Utilities. This plan shall ensure that the project*

applicant has complied with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. The plan shall include the implementation of Best Management Practices (BMP's). BMP's would include schedules of activities, prohibitions of practices, maintenance procedures and other maintenance practices to prevent or reduce water pollution.

Entities Responsible for Ensuring Compliance:

The City of Sacramento, Department of Utilities
The City of Sacramento, Planning and Building Department

Monitoring Program:

Prior to grading:

The developer shall comply with mitigation measure 4-1.

AIR QUALITY

Mitigation 5.2 (Air Quality):

The applicant shall incorporate the following air quality mitigation measure into the development proposal:

5-2 *Prior to the issuance of building permits, the applicant shall coordinate with the SMAQMD to determine the exposure rate for cancer risk. If the rate exceeds one in a million persons, the requirements of Toxics Best Available Control Technology (TBACT), a system used at gas stations which reduces the release of toxins, must be satisfied.*

Entities Responsible for Ensuring Compliance:

Sacramento Municipal Air Quality Management District (SMAQMD)
The City of Sacramento, Planning and Building Department

Monitoring Program:

Prior to the issuance of building permits:

The developer shall comply with mitigation measure 5-2.

BIOLOGICAL RESOURCES

Mitigation 7.3 (Biological Resources):

The applicant shall incorporate the following biological resources mitigation measure into the development proposal:

- 7-3 *The applicant shall obtain a tree-removal permit from the City arborist. If the applicant intends on removing the tree during nesting season, prior to applying for the tree removal permit, the applicant shall retain a certified biologist to conduct an assessment of the tree for any nesting birds. The applicant shall submit the findings of the biologist with the tree removal permit application. If a nest is identified, the City arborist shall condition the permit such that the tree cannot be removed until after the nesting season.*

Entities Responsible for Ensuring Compliance:

The City of Sacramento, City Arborist
The City of Sacramento, Planning and Building Department

Monitoring Program:

Prior to construction:

The developer shall comply with mitigation measure 7-3.

CULTURAL RESOURCES**Mitigation 14-4 and 14-5 (Cultural Resources):**

The applicant shall incorporate the following cultural resource mitigation measures into the development proposal:

- 14-4 *If any buried cultural resources are discovered during construction activities, all work shall be halted in the vicinity of the find and a qualified archaeologist shall be consulted in order to determine whether the find is an isolated example or part of a more complex resource. Upon determining the significance of the resource, the consulting archaeologist, in coordination with the City, shall determine the appropriate actions to be taken. The appropriate measures may include as little as recording the resource with the California Archaeological Inventory database or as much as excavation, recording, and preservation of the sites that have outstanding cultural or historic significance.*
- 14-5 *Should human remains be found, then the Coroner's office shall be*

immediately contacted and all work shall be halted immediately until the final disposition by the Coroner. Should the remains be determined to be of Native American descent, then the Native American Heritage Commission shall be consulted to determine the appropriate disposition of such remains.

Entities Responsible for Ensuring Compliance:

The City of Sacramento, Planning and Building Department

Monitoring Program:

During construction:

The developer shall comply with mitigation measures 14-4 and 14-5.

MMP PREPARED BY: Cindy Gnos, Raney Planning & Management, Inc.
Phone (916) 492-9315

MMP PREPARED FOR: Kimberly Kaufmann-Brisby, Junior Planner
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