

RESOLUTION NO. 2008-337

Adopted by the Sacramento City Council

May 27, 2008

ADOPTING FINDINGS OF FACT AND APPROVING THE LIBERTY PLAZA PROJECT (P07-142)

BACKGROUND

- A. On March 27, 2008, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the Liberty Plaza Project.
- B. On May 27, 2008, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010 (C)(2)(a), (b), and (c) (publication, posting, and mail 500'), and received and considered evidence concerning the Liberty Plaza project.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. Based on the verbal and documentary evidence received at the hearing on the Liberty Plaza Project, the City Council approves the Project entitlements based on the findings of fact and subject to the conditions of approval as set forth below.
- Section 2. The City Council approves the Project entitlements based on the following findings of fact:
 - A. Environmental Determination: The Environmental Exemption for the Project has been adopted by Resolution No. 2008-334.
 - B. Special Permit: The Special Permit to allow development of a 42,000 square foot commercial center in the General Commercial Special Planning District (C-2-SPD) zone 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 proposed use is allowed in the General Commercial Special Planning District (C-2-SPD) zone with the approval of a special permit.
 - 2. The proposed use would not be detrimental to the public health, safety or welfare, or result in the creation of a nuisance in that the project, as conditioned, will establish a unique architectural presence in the community, and will provide:

- a. Landscaping that will meet the 50% shading requirement;
 - b. On-site lighting that will improve security of the site;
 - c. Sufficient parking spaces to meet the City's parking space requirement for a commercial center of this size.
3. The proposed project is consistent with the commercial land use policies and development requirements of the General Plan, South Sacramento Community Plan, and the Broadway/Stockton Special Planning District to better developed underutilized properties in commercial corridors.

Section 3. The City Council approves the Project entitlements subject to the following conditions of approval:

- B1. Obtain all necessary building permits prior to construction.
- B2. Development of this site shall be in substantial conformance with the attached Site Plan (Exhibit A). The maximum number of parking spaces shall not exceed 180 parking spaces.
- B3. Any modification to the project shall be subject to review and approval by planning staff prior to the issuance of building permits. Any significant modification to the project may require subsequent entitlements.
- B4. The existing billboard sign shall be removed.
- B5. The Design of the proposal is required to be approved by the Design Commission. Prior to issuance of any building permits all necessary Design Review entitlements shall have been approved by the Design Commission or the Design Director.
- B6. High quality signage with a design and materials that complements the architecture is required and shall meet the sign ordinance. The applicant shall submit a Master Signage Program to Design Review staff and the City Sign Coordinator for review and approval for all project signage for the site including but not limited to monument signs, entry signs, building identification and address signs, trash enclosure signs, and directional signage prior to the issuance of any sign and building permits. Signage criteria requirements are locations of signage (elevations) including general size, potential illumination, and materials. Final sign designs shall be reviewed at time of tenant improvement Building Permit submittal. No pole signs are allowed. Any detached signage shall be a monument sign.
- B7. Special pavement markings identifying pedestrian pathways connecting each of the buildings and public sidewalk shall be provided to the satisfaction of the

Planning Director.

- B8. The applicant, or any other occupant, owner or operator of this building shall be prohibited from hanging any banners from or on the exterior of the building or any other structure or plant material.
- B9. The applicant/owner shall be responsible for the daily removal of all litter generated by the business, from the subject site, adjacent properties, and streets.
- B10. A landscape plan shall be provided and shall be subject to review and approval of the City Arborist.
- B11. Continuous 6" high, 6" wide concrete curbing shall be provided around all planter areas within or adjacent to parking areas and driveways. If some planter areas are used as bio-swales, inlets in the curbing may be permitted.
- B12. Landscaping shall be provided, as allowed, to screen ground-mounted mechanical equipment, backflow preventors, transformers, and other similar appurtenances to the satisfaction of the Planning Director.
- B13. The owner/operator/owner's association 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 turf as needed if original landscaping dies.
- B14. The trash enclosure structure shall be developed to the required standards.
- B15. Adequate overall exterior site lighting shall be installed and shall be coordinated with the landscaping plan so there is minimal interference between the light standards and required illumination and the trees and required shading. Project lighting shall be provided as follows: 1.5 foot-candles of minimum maintained illumination per square foot of parking space during business hours and .25 foot-candles of minimum maintained illumination per square foot of surface on any walkway, alcove, passageway, etcetera, from one-half hour before dusk to one-half hour after dawn. All light fixtures are to be vandal-resistant. On-site lighting shall be shielded from adjacent parcels and the street so the on-site illumination will not shine on to, or impact the adjacent residential properties or the street.
- B16. Prior to the issuance of the Certificate of Occupancy, the applicant shall provide 12 bicycle spaces as shown on the Site plan. A minimum of five (5) bicycle spaces shall be Class I.
- B17. All cabinets, conductors, transformers and other equipment shall be concealed.
- B18. Decorative planting shall be maintained so as not to obstruct or diminish lighting

level throughout the project. Landscaping shall not obscure common areas.

- B19. Parking spaces shall be steam cleaned a minimum of once per year.
- B20. Owner/Operator shall post and maintain signage on the premises that provides the phone number to contact maintenance and management staff. Signage shall be subject to approval by the Planning Director.
- B21. Owner/Operator shall establish and conduct a regular program of routine maintenance for the property. Such a program shall inspect the property and schedule repainting, replanting and other similar activities that typically require attention at periodic intervals but not necessarily continuously. Owner/Operator shall repaint or retreat all painted or treated areas at least once every 8 years; provided that the Planning Director may approve less frequent repainting or retreatment upon a determination that less frequent treatment is appropriate, given the nature of the materials used or other factors. The program shall be subject to review and approval by the Planning Director.
- B22. 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/npdsd/graffiti or (916) 808-5948, 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.

Development Engineering

- B23. 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 Development Engineering. 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 Development Engineering Division.
- B24. The applicant shall pay a fair-share for the future construction of a traffic signal at the intersection of Dias Avenue & Stockton Boulevard. Fair-share shall be determined based on trip generation of the subject site and estimated cost of the signal to the satisfaction of Development Engineering.
- B25. All new/existing driveways shall be designed and constructed/reconstructed to City Standards to the satisfaction of Development Engineering.

- B26. The minimum throat distance for the site driveway onto Stockton Boulevard shall be 75'. The minimum throat distance for the site driveway onto Elder Creek Road shall be 50'. 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.
- B27. The site plan shall conform to A.D.A. requirements in all respects.
- B28. 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 Development Engineering.
- B29. Prior to issuance of building permits a parcel merger shall have been recorded for parcels 038-0191-020, -021, -023, -024.

Utilities Department

- B30. Per City Code 13.04.070 and the Department current Tap Policy, commercial lots may have more than 1 domestic tap. Any new domestic water services shall be metered. Construction of water services shall be deferred until the time of Building Permit. (Note: There is an existing 6" and 8" water main in Stockton Blvd. There is also an existing 8" and 30" water main in Elder Creek Rd. No connection is allowed to the 30" water transmission main in Elder Creek Road.)
- B31. 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.
- B32. Multiple fire services are allowed per parcel and may be required.
- B33. All water connections shall comply with the City of Sacramento's Cross Connection Control Policy.
- B34. All onsite water and storm drain facilities shall be private facilities maintained by the property owners.
- B35. The proposed development is located within County Sanitation District 1 (CSD1). Satisfy all CSD1 requirements.
- B36. The lot shall be graded so that drainage does not cross property lines.
- B37. 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. A portion of this project is in Drainage Shed G258 and the remaining portion is in Drainage Shed 147. This project shall connect the onsite drainage system to the existing 15" drainage main in Elder Creek Road. An on-site drainage study and shed map is required. This study and shed map shall be reviewed and approved by the Department of Utilities. The onsite system shall be designed so the 10-year HGL is a minimum of 6-inches below the onsite drain inlets. Finished floor elevations shall be a minimum of 1.50 above the 100-year HGL and 1.70 feet above the controlling overland release elevation. 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).

- B38. Per City Code, the Subdivider 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. Sufficient off-site and on-site spot elevations shall be provided in the drainage study to determine the direction of storm drain runoff. The drainage study shall include an overland flow release map for the proposed project.
- B39. 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.
- B40. 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.
- B41. 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.

- B42. 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 not served by a regional water quality control facility and is greater than 1 acre, both source controls and on-site treatment control measures are required. On-site treatment control measures may affect site design and site configuration and therefore, should be considered during the early planning stages. The following, but not limited to are acceptable on-site water quality treatment controls: (1) vegetative swales and (2) underground vaults. Vegetative swales may require additional landscape areas and City approved underground vaults (Con Span Vault) are costly. Improvement plans must include the source controls and on-site treatment control measures selected for the site. Refer to the "Guidance Manual for On-site Stormwater Quality Design Manual", dated May 2007, for appropriate source control and onsite treatment control measures.

Fire Department

- B43. All turning radii for fire access shall be designed as 35' inside and 55' outside.
- B44. 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.
- B45. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus. (902.2.2.2)
- B46. Provide the required fire hydrants in accordance with CFC 903.4.2 and Appendix III-B, Section 5.
- B47. 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.
- B48. Provide a water flow test. (Make arrangements at the River District Permit Center's walk-in counter: 300 Richards Boulevard, 3rd Floor, Sacramento, CA 95811).
- B49. The furthest projection of the exterior wall of a building shall be accessible from within 150 feet of an approved Fire Department access road and water supply as measured by an unobstructed route around the exterior of the building. (CFC 902.2.1)
- B50. Provide appropriate Knox access for the site.
- B51. 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.

- B52. An automatic fire sprinkler system shall be installed in any portion of a building when the floor area of the building exceeds 4,999 square feet. Refer to City Code 15.36.1003, Amendment of Article 10, Section 1003, for exceptions.
- B53. 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.

Police Department

- B54. All light fixtures shall be equipped with vandal-resistant covers/lenses.
- B55. All parking areas, aisles, passageways, recesses, and grounds contiguous to buildings during the hours of darkness or diminished lighting shall be illuminated to the satisfaction of the Police Department.
- B56. All exterior doors shall be adequately illuminated at all hours with their own light source.

Regional Transit

- B57. Contact Robert Hendrix, RT facilities (916) 649-2759 to determine if a bus shelter pad shall be provided. If determined appropriate by RT provide a bus shelter pad as directed.
- B58. Transit information shall be displayed in a prominent location for employees and customers.
- B59. Project construction shall not disrupt transit service or pedestrian access to transit stops.
- B60. The developer shall join the Sacramento TMA.

Solid Waste Division

- B61. The required recycling and solid waste capacities shall be met or exceeded.
- B62. A recycling program shall be established. The developer shall send the name of the service provider, the frequency of service, and the processing facility to the Solid Waste Division to verify that service has been established.
- B63. This project shall divert construction waste. The project proponent shall plan to target cardboard, wood waste, scrap metal, brick, concrete, asphalt, and dry wall for recovery. The developer shall submit the following information to the Solid Waste Division:

Method of recovery, Hauler information, Disposal facility, Diversion percentage, Weigh tickets documenting disposal and diversion.

ADVISORY NOTES:

The following advisory notes are informational in nature and are not a requirement of this Special Permit:

- a. 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 \$15,792. This is based on a 42,000 square foot building with 70% retail (29,400 square feet) at the commercial retail rate of \$0.34 per square foot and 30% commercial office (12,600 square feet) at the rate of \$0.46 per square foot. 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.

Note: This project site is located within a commercial corridor; which makes it eligible for a reduced park development impact fee if the project fits within certain parameters. However, due to this project's size it is not eligible for the reduced park development impact fee. Only commercial project's of 20,000 square feet or less and mixed use projects with at least two residential units and not more than 20,000 square foot in commercial corridors.

- b. Many projects within the City of Sacramento require booster pumps for fire suppression and domestic water system. 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 fire suppression and domestic water systems.
- c. The proposed project is located in the Flood zone designated as 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.

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- Exhibit B: Landscape Plan – 1 Page

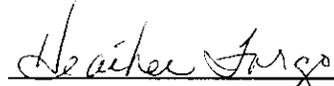
Adopted by the City of Sacramento City Council on May 27, 2008 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, Pannell, Sheedy, Tretheway, Waters, and Mayor Fargo.

Noes: None.

Abstain: None.

Absent: Councilmember McCarty.



Mayor Heather Fargo

Attest:

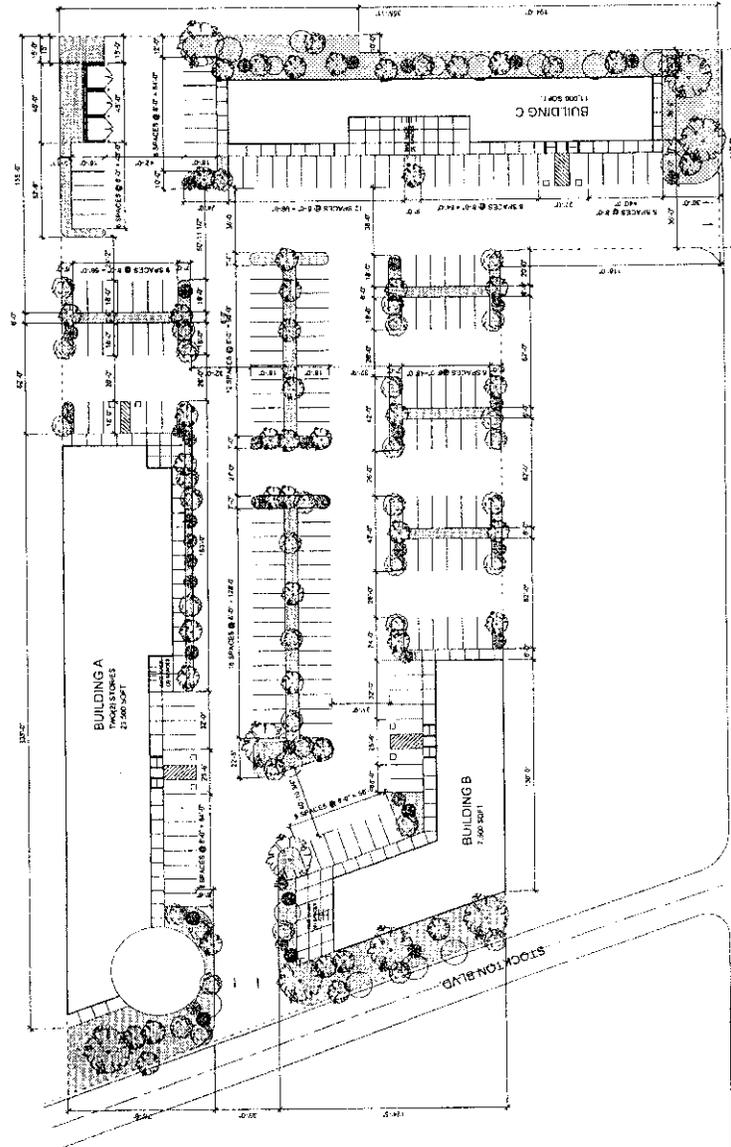


Shirley Concolino, City Clerk

Exhibit A – Site Plan

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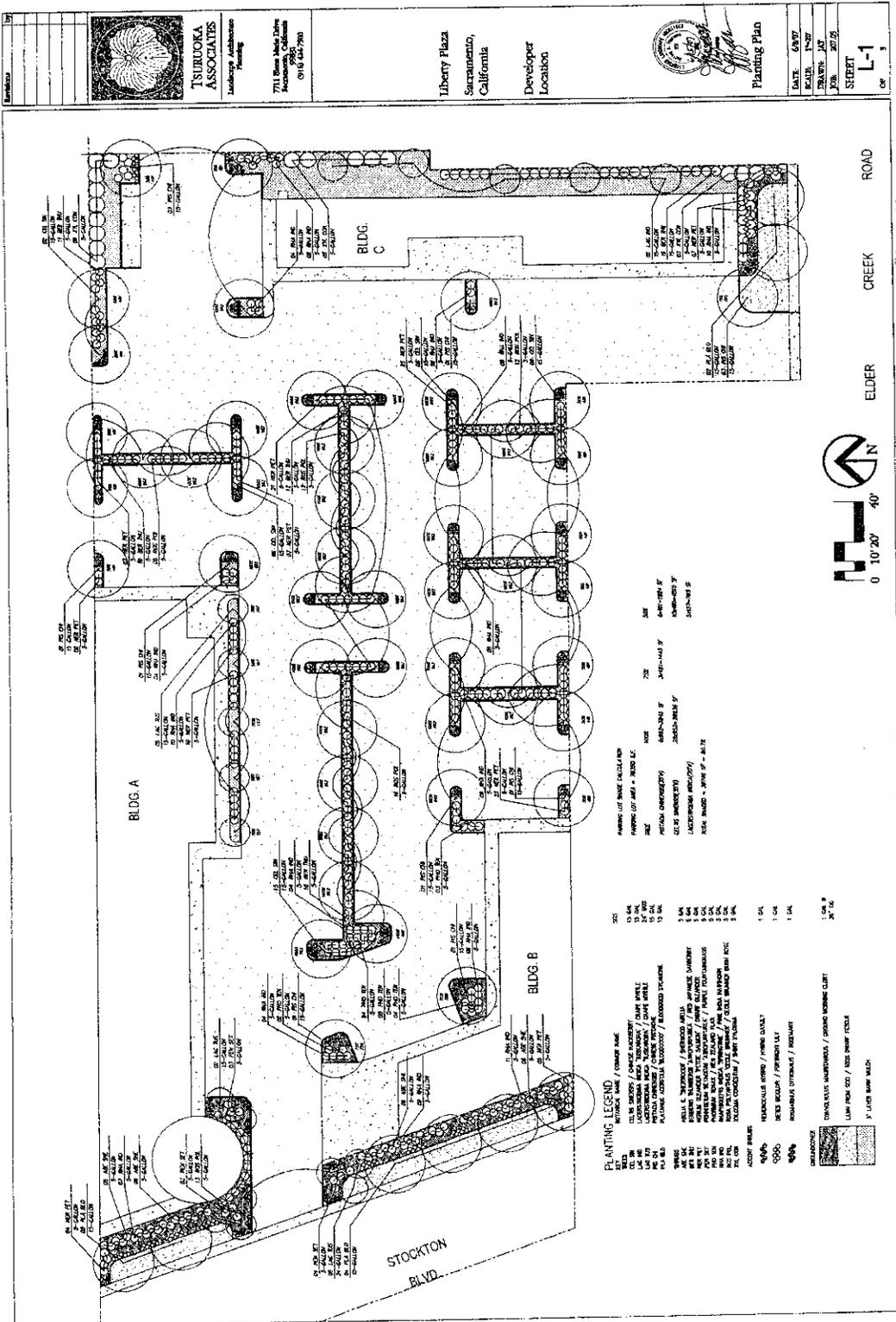
7. CONTRACTOR SHALL REMOVE ALL MATERIALS AND FINISH TO MAKE TO PREVIOUS EXISTING CONDITION FROM DAMAGE DURING CONSTRUCTION. PROVIDE PHOTOGRAPHIC EVIDENCE PRIOR TO STARTING WORK.
8. CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES, AND SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF EXISTING UTILITIES AND CONCRETE CURB AND GUTTER. CONTRACTOR SHALL NOTIFY OWNER AND ALL CITY DEPARTMENTS OF ANY UTILITIES TO BE PROTECTED OR REPAIRED.
9. ALL REINFORCING STEEL AND FORMS WITH ALL OBJECTS SHOULD BE PROTECTED WITH A PROTECTIVE COATING. COORDINATE WITH ARCHITECT AND ENGINEER FOR THIS REQUIREMENT. THIS IS A LOCAL REPORT.



SCALE 1" = 30'

SITE PLAN

Exhibit B – Landscape Plan



RECEIVED 3-17-08
 107-142
 BUSINESS

PLANTING LEGEND

SYMBOL	PLANTING	QUANTITY
1	10' x 10' x 10' PALM	10
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