



**Attachment 6 – Rezone Ordinance**

**ORDINANCE NO. 2008-\_\_\_\_**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

**AMENDING TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) BY REZONING CERTAIN REAL PROPERTY FROM LIMITED COMMERCIAL REVIEW (C-1-R) AND MULTI-FAMILY RESIDENTIAL (R-3) TO GENERAL COMMERCIAL REVIEW (C-2-R) (NORWOOD AND JESSIE WALGREENS P07-141) (APN: 237-0292-023 & PTN 237-0292-022)**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

Title 17 of the Sacramento City Code (the Zoning Code) is amended by rezoning the property shown in the attached Exhibit A, generally described, known and referred to as Norwood and Jessie Walgreens (APN: 237-0292-023 and a portion of 237-0292-022) and consisting of 1.38± acres, from Limited Commercial Review (C-1-R) and Multi-Family Residential to General Commercial Review (C-2-R).

SECTION 2

Rezoning of the property as shown in the attached Exhibit A, by the adoption of this Ordinance, will be considered to be in compliance with the requirements for the rezoning of the property described in the Zoning Code, as amended, as those procedures have been affected by recent court decisions.

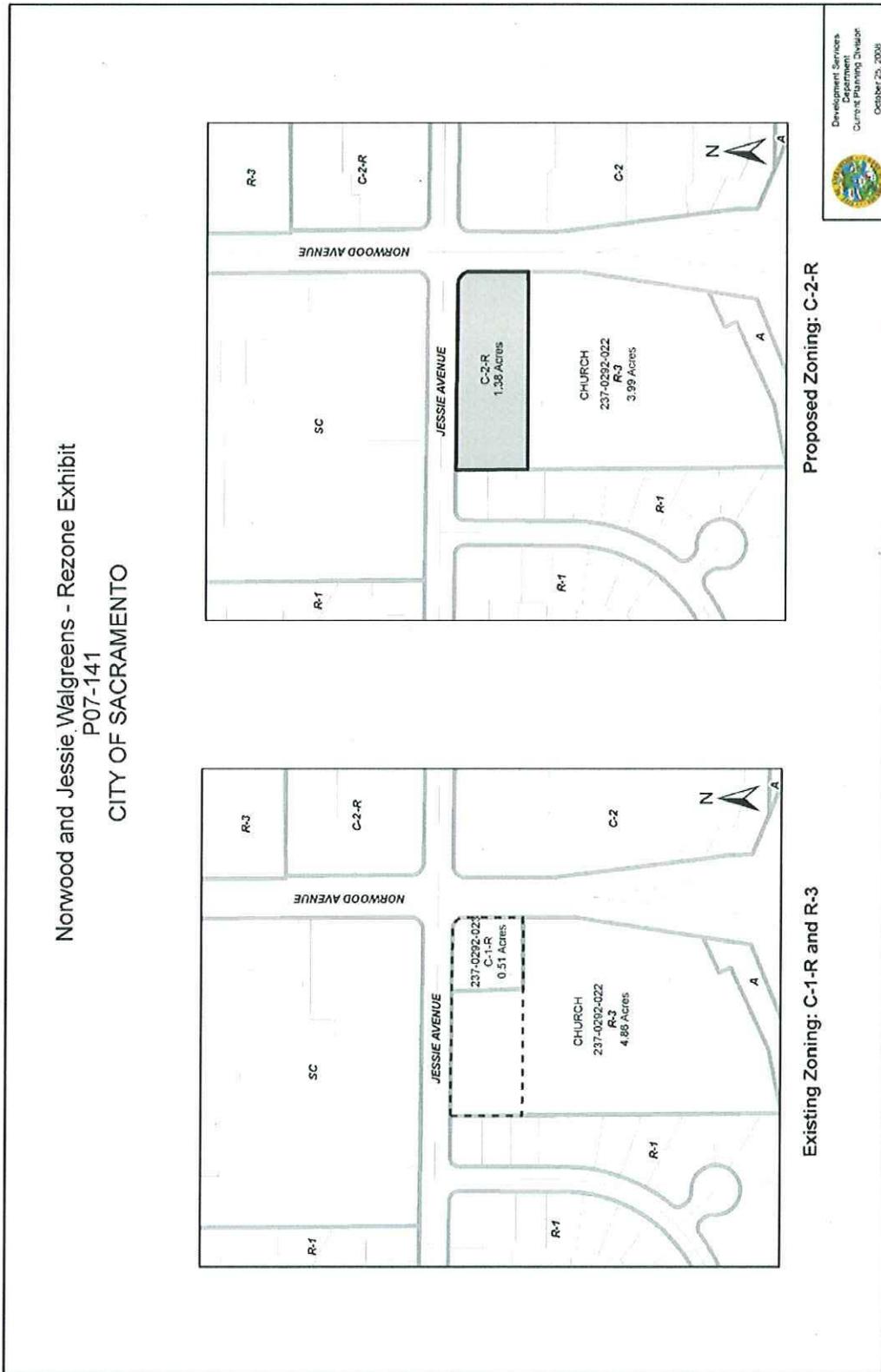
SECTION 3

The City Clerk of the City of Sacramento is hereby directed to amend the official zoning map, which is a part of the Zoning Code, to conform to the provisions of this Ordinance.

Table of Contents:

Exhibit A – Rezone Exhibit

Exhibit A – Rezone Exhibit



**Attachment 7 – Resolution – Findings of Fact**

**RESOLUTION NO. 2008-\_\_\_\_**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

**ADOPTING FINDINGS OF FACT AND APPROVING THE NORWOOD AND  
JESSIE WALGREENS PROJECT (P07-141)**

**BACKGROUND**

- A. On October 9, 2008, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the Norwood and Jessie Walgreens Project.
- B. On November 18, 2008, the City Council conducted a public hearing, for which notice was given pursuant to Sacramento City Code Sections 16.24.097, 17.204.020(C), 17.208.020(C), 17.212.035, and 17.200.010(C)(2)(a, b, and c) (publication, posting, and mail 500'), and received and considered evidence concerning the Norwood and Jessie Walgreens 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 Norwood and Jessie Walgreens 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.

**D. The Plan Review** to construct two commercial buildings totaling 16,132 square feet on approximately 1.38 acres in the C-2-R zone **is approved** subject to the following Findings of Fact:

- a. The proposed development is consistent with the North Sacramento Community Plan designation of Retail General;
- b. The development of the site is consistent with applicable City standards in relation to utilities, access roads, sanitation and drainage;
- c. The property involved is of adequate size and shape to accommodate the proposed use and the project will meet applicable building coverage, setback and parking requirements; and
- d. Granting the Plan Review would not be detrimental to the public welfare nor result in the creation of a public nuisance in that:

1. The project use is compatible with the uses in the vicinity of the project site;
2. Adequate landscaping, vehicle circulation, maneuvering and parking are provided; and
3. The project is consistent with the goals and policies of the General Plan and North Sacramento Community Plan.

**E. The Special Permit to allow a drive-through pharmacy service for an approximately 15,132 square foot retail store in the General Commercial Review (C-2-R) zone is approved subject to the following Findings of Fact:**

- a. Granting of the Special Permit is based upon sound principles of land use in that the proposed drive-through service facility would be incidental to the underlying commercial use and shall adhere to all development standards as set forth by the City's Zoning Ordinance;
- b. Granting the Special Permit would not be detrimental to the public health, safety, or welfare, nor result in the creation of a nuisance in that the proposed drive-through service facility is a compatible use in the General Commercial Review (C-2-R) zone. Furthermore, the project site is of sufficient size and shape to accommodate setbacks, landscaping and lighting which will protect the privacy of residential neighbors and ensure adequate open space and access to light and air;
- c. The proposed project would be consistent with the commercial land use policies of the General Plan and Zoning Ordinance;
- d. The design and location of the facility will not contribute to increased congestion on public or private streets or alleys adjacent to the subject property;
- e. The design or location of the facility will not impede access to or exit from the parking lot serving the business, impair normal circulation within the parking lot or impede pedestrian movement; and
- f. The design and location of the facility will not create a nuisance for adjacent properties in that:
  1. Sound walls will be constructed along adjacent residentially zoned property lines; and
  2. Hours of operation of the drive-through facility will be limited to between 7:00 a.m. and 10:00 p.m.

**F. The Variance** to allow a drive-through of less than 180 feet, to 43.5 feet, **is approved** subject to the following Findings of Fact:

- a. Granting the variance does not constitute a special privilege extended to an individual applicant in that the building's location at the corner, the unique shape of the lot, and the corner reconstruction are unique circumstances and a variance would be and has been granted to other property owners facing similar circumstances.
- b. Granting the variance request does not constitute a use variance in that retail store uses are permitted on lots within the General Commercial Review (C-2-R) zone.
- c. The proposed project will not be injurious to public welfare, nor to property in the vicinity of the applicant in that the development, as conditioned, will create a safe environment for customers and area residents and the variance will not adversely affect the adjacent properties.
- d. Granting the variance is in harmony with the general purpose and intent of the zoning code and will not adversely affect the general plan or specific plans of the city, or the open space regulations.

**Conditions of Approval**

**D. The Plan Review** to construct two commercial buildings totaling 16,132 square feet on approximately 1.38 acres in the C-2-R zone **is approved** subject to the following conditions:

**General**

- D1.** Applicant shall obtain all necessary building and/or encroachment permits prior to commencing construction.
- D2.** The project shall be constructed in accordance with the attached plans (Exhibits A-G). Any modification to the project shall be subject to review and approval by Planning Division staff prior to the issuance of building permits. Any change in the design, materials, or colors shall be submitted to Planning Division staff for review and approval. Any significant modifications to the project may require subsequent entitlements.
- D3.** Unless specified by any condition below, this project shall be developed and constructed in full compliance with the Zoning Ordinance.
- D4.** Landscaping plans shall be submitted to the Building Division – Site Conditions Unit and the Landscape Architecture Section. The scope of the review shall include plant

species selection, landscape materials, irrigation system and calculation to ensure that the 50% shading requirement is met. In order to provide adequate surveillance opportunities, all plants and shrubs shall be maintained at a maximum height of thirty inches (30"). Decorative planting shall be maintained so as not to obstruct or diminish lighting level throughout the project.

- D5. Lighting shall be designed so as not to produce hazardous and annoying glare to motorists, adjacent residents, or the general public. All fixtures should be placed in a manner that avoids glare when observed from the street or other public areas.
- D6. A minimum of two bicycle parking facilities shall be provided. At least one bicycle parking facility shall be Class I. Bicycle parking shall be located in view of building entrances or in view of windows and/or security stations.
- D7. Signage is required to comply with the General Commercial (C-2) section of the City of Sacramento's Sign Ordinance.
- D8. All rooftop mechanical and communications equipment shall be completely screened from view from public streets by the building parapet, screen wall, and architectural projections which are integral to the building design.
- D9. A six-foot high masonry sound wall shall be constructed along the western property boundary contiguous to residential properties.
- D10. A Lot Line Adjustment shall be completed prior to the issuance of building permits. Sufficient parking shall be provided for the church use in accordance with City Code.
- D11. Operation of the drive-through service facility shall be restricted to be between the hours of 7:00 a.m. and 10:00 p.m.

#### **Development Engineering**

- D12. Construct standard public 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 street lighting 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.
- D13. The applicant shall dedicate sufficient right-of-way and construct a deceleration lane as well as the necessary curb, gutter and sidewalk along Norwood Blvd adjacent to the subject site as shown on the site plan dated 08/15/2008 to the satisfaction of the Department of Transportation.

- D14. The applicant shall construct a raised median along Norwood Blvd across the subject property. The design and construction of the median shall be to the satisfaction of the Department of Transportation.
- D15. All new driveways shall be designed and constructed to City Standards to the satisfaction of the Department of Transportation.
- D16. The minimum throat distance for the Norwood Blvd and Jessie Avenue site driveways shall be 50-ft and 25-ft respectively (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).
- D17. The applicant shall relocate the existing speed humps along Jessie Avenue adjacent to the subject property to the satisfaction of the Department of Transportation. The applicant shall coordinate with Traffic Engineering's Traffic Calming Unit as early as possible for the relocation of the said speed humps.
- D18. The site plan shall conform to A.D.A. requirements in all respects. This shall include the replacement of any curb ramp that does not meet current A.D.A. standards.
- D19. The applicant shall construct (if not already in place) ADA compliant ramp(s) at the corner of the intersection of Jessie Avenue and Norwood Blvd adjacent to the subject property per City standards to the satisfaction of the Department of Transportation.
- D20. 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 Department of Transportation.

#### **Utilities**

- D21. Comply with the conditions of approval set forth in the lot line adjustment/certificate of compliance, file number COC07-0061.
- D22. Reroute any existing utilities from the adjoining parcels, implied in the conditions above, into that easement to the satisfaction of the Department of Utilities (DOU).
- D23. An on-site drainage study and shed map as described in Section 11.7 of the City Design and Procedures Manual is required. The project will be required to provide storm water detention in the low points of the street and/or landscape areas and/or in detention vaults or oversized drainage pipes located on site. The project area is

serviced by Sump No. 157, which has a capacity of 0.27 cubic feet per second per acre. According to the City Design and Procedures Manual, the project site will be required to store 1700 cubic feet per acre of storm water during a 10-year storm event (a rainstorm that has a 1-in-10 chance of happening in a given year). The drainage study shall also include an overland flow release map for the proposed project. Sufficient off-site and on-site spot elevations shall be provided in the drainage study to determine the direction of storm drain runoff. This study and shed map shall be approved by the DOU.

- D24.** Per the Letter of Map Revision effective February 18, 2005, of the FIRM (Flood Insurance Rate Map), the parcel is located in a shaded Zone X area, defined as areas of 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 100-year flood. Accordingly, the project site lies in an area with no flood restrictions. The project is also located in the Historic Magpie Creek Floodplain with a 100-year flood elevation of 27.3 feet (NGVD29). Finished lot finished floor elevation shall be a minimum of 1.0 ft above the 100-year flood elevation and approved by the DOU.
- D25.** 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).
- D26.** All water connections shall comply with the City of Sacramento's Cross Connection Control Policy.
- D27.** Per City Code 13.04.070, except for separate irrigation service connections and fire service connections, each lot or parcel shall only have one (1) metered domestic water service. Requests for multiple domestic water service connections to a single commercial lot or parcel, consistent with the DOU "Commercial Tap Policy", may be approved on a case-by-case basis by the DOU. Contact the DOU at (916) 808-1400 for a copy of the tap policy. Excess services shall be abandoned to the satisfaction of the DOU.
- D28.** 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.
- D29.** This project is greater than 1 acre in size; therefore, the project is required to comply with the State "NPDES General Permit for Stormwater Discharges Associated with Construction Activity" (State Permit). To comply with the State Permit, the applicant will need to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Stormwater Pollution Prevention Plan (SWPPP) prior to construction. A copy of the State Permit and NOI may be obtained from

[www.swrcb.ca.gov/stormstr/construction.html](http://www.swrcb.ca.gov/stormstr/construction.html). The SWPPP will be reviewed by the DOU prior to issuing a grading permit. The following items shall be included in the SWPPP: (1) vicinity map, (2) site map, (3) list of potential pollutant sources, (4) type and location of erosion and sediment BMP's, (5) name and phone number of person responsible for SWPPP and (6) certification by property owner or authorized representative.

- D30.** 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.
- D31.** 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, both source control and on-site treatment control measures (e.g. porous pavement detention, stormwater planters, detention basin, infiltration basin and/or trench, media filters (Austin Sand Filter), multi-functional drainage corridors, vegetated filter strips and/or swales, and proprietary devices) are required. Contact DOU for a list of accepted proprietary devices if considered for treatment control. Specific source controls are required for (1) vehicle and equipment fueling areas, (2) loading/unloading areas, (3) outdoor storage areas, (4) outdoor work areas, (5) vehicle/equipment wash, repair and maintenance areas, and (6) waste management areas. Improvement plans must include the source controls 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. Prior to design of the subject project, the DOU suggests that the applicant request a water supply test to determine what pressure and flows the surrounding public water distribution system can provide to the site. This information can then be used to assist the engineers in the design of the on-site fire suppression system.
2. Utility records indicate that the existing water and sanitary sewer services for the subject site may be under the proposed structure. City maintenance responsibilities of the services are to the point of service within the street right of way. The property owner is responsible for the maintenance and repair of the services on their property. The applicant should relocate existing services from under the proposed building.

**Fire**

3. All turning radii for fire access shall be designed as 35' inside and 55' outside.
4. 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
5. Provide the required fire hydrants in accordance with CFC 508 and Appendix C, Section C105.
6. 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.
7. Provide a water flow test. (Make arrangements at the Permit Center walk-in counter: 300 Richards Blvd, Sacramento, CA 95814). CFC 508.4
8. Provide appropriate Knox access for site.
9. 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.
10. 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.
11. 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.
12. 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

**Parks**

13. As per City Code, the applicant will be responsible to meet his/her obligation 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 \$4,947. This is based on 14,550 square feet of retail space at \$0.34 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.

**SRCS D**

14. The subject property is outside the boundaries of CSD-1 but within the Urban Services Boundary and SRCS D shown on the Sacramento County General Plan. Sacramento City Utilities Department approval will be required for sewage service.

Table of Contents:

- Exhibit A – Site Plan
- Exhibit B – Floor Plan
- Exhibit C – Elevations
- Exhibit D – Landscape Plan
- Exhibit E – Walgreen’s Signage Plan
- Exhibit F – Preliminary Grading and Utility Plan
- Exhibit G – Materials Sheet