



# REPORT TO COUNCIL

## City of Sacramento

26

915 I Street. Sacramento. CA 95814-2604

Public Hearing  
January 6, 2009

Honorable Mayor and  
Members of the City Council

**Title:** Franklin Point (P05-153)

**Location/Council District:** Southwest corner at the intersection of Franklin Blvd. and Mack Road; District 7

**Recommendation:** Conduct a public hearing and upon conclusion adopt 1) a **Resolution** adopting the Mitigated Negative Declaration and approving the Mitigation Monitoring Plan; 2) a **Resolution** approving the PUD Guidelines and Schematic Plan amendments; 3) a **Resolution** approving the Project Tentative Map; Special Permits to operate a convenience market and to allow the sale of beer and wine at the convenience market for off-site consumption; and a Plan Review of a commercial mixed-use project in the Shopping Center Planned Unit Development (SC-PUD); and 4) an amendment to **Ordinance** 93-033 to eliminate a condition prohibiting the sale of beer and wine for off-site consumption.

**Contact:** Kimberly Kaufmann-Brisby, Associate Planner, (916) 808-5590; Nedzlene Ferrario, Senior Planner, (916) 808-7826

**Presenters:** Kimberly Kaufmann-Brisby, Associate Planner

**Department:** Development Services

**Division:** Current Planning

**Organization No:** 21001010

### Description/Analysis

**Issue:** The applicant is requesting to subdivide and develop a vacant  $\pm 5.5$  acre property with a commercial mixed-use project containing  $\pm 38,396$  square feet of building area within the Shopping Center International Plaza Planned Unit Development (SC-PUD) zone. Proposed uses for the site are a convenience market/gas station/quick service restaurant/car wash, retail stores, sit-down restaurant, and general and medical offices. The site design is pedestrian friendly with the buildings brought forward to the street, the provision of direct pedestrian access from the street to the street adjacent buildings, and specially stamped pedestrian walkways would provide pedestrian connections throughout the project interior. Overall, the architectural design provides visual interest,



proportional massing, appropriate use of exterior building materials, and architectural and landscaping continuity are provided throughout the proposed development.

**Applicant:** D&S Development, Inc., contact: Bay Miry

In order to develop the site as envisioned, the applicant is requesting: an amendment to Rezone Ordinance No. 93-033 to eliminate a condition prohibiting the sale of beer and wine for off-site consumption; PUD Guidelines Amendments to extend the shopping center morning hours of operation, to eliminate language prohibiting the sale of beer and wine for off-site consumption in a convenience market, and a reduction of the required building setbacks; a PUD Schematic Plan Amendment reconfiguring building locations and areas; a Tentative Map to merge two parcels totaling ±5.5 acres then subdividing same into FIVE (5) parcels; Special Permits to operate a convenience market within 500 feet of a residential use and to allow the sale of beer and wine at a convenience market; and a Plan Review of a commercial mixed-use development within the Shopping Center International Plaza Planned Unit Development (SC-PUD) zone.

**Policy Considerations:** The General Plan designates the site for Community/Neighborhood Commercial & Offices land use. Given the commercial developments proximate to the project site and the two busy thoroughfares bounding the site to the north and east, utilizing the site for commercial mixed-use is consistent with the land-use designation. The project is consistent with the General Plan Goals to promote the reuse and revitalization of existing developed areas, with special emphasis on commercial and industrial districts (GP, Sec. 4-1, Goal B); to promote new employment opportunities, particularly for the under-employed and economically disadvantaged (GP, Sec. 4-1, Goal C); and, to promote economic vitality and diversification of the local economy (GP, Sec. 4-1, Goal D).

The South Sacramento Community Plan land use designation is General Commercial. The project supports the South Sacramento Community Plan (SSCP) policies to encourage the establishment of healthy commercial nodes rather than deteriorating commercial strips and to reduce friction between commercial uses and residential uses.

The proposed mixed-use commercial development will provide an array of employment opportunities and the sustainable site design provides pedestrian connectivity and has taken measures to reduce the impacts to the adjacent residential properties through the provision of eight-foot tall sound walls, substantial landscaped setback areas and the placement of more passive commercial uses, general and medical office, along the majority of the shared property lines.

On June 8, 1993, the City Council adopted Ordinance No. 93-033 (Attachment 9) which rezoned the property to the SC-R. Included in the ordinance were conditions that, among other things, prohibit certain land uses that would

otherwise be allowed with the approval of a special permit. Among the prohibited uses is the sale of alcoholic beverages for off-site consumption. On May 3, 1994, the City Council adopted Ordinance No. 94-013 (Attachment 10) which rezoned the site to SC (PUD) and Ordinance No. 94-014 (Attachment 11) which amended Section 1 (d) of Ordinance No. 93-033 to allow restaurants to remain open until midnight. Except for this change, the conditions contained in Ordinance No. 93-033 remain in effect.

The applicant is requesting an amendment to Ordinance No. 93-033 to eliminate the beer and wine sales prohibition for the service station/convenience market. The intent of the rezone condition prohibiting the alcoholic beverage sales for off-site consumption is to protect the public health, safety, and welfare of the surrounding community.

The Police Department initially recommended denial of the special permit for beer and wine sales for off-site consumption due to the potential for increased safety risks and nuisances in an area already impacted with an above average number of calls for service. After further consideration, the Police Department has withdrawn their opposition to the special permit for beer and wine sales for off-site consumption and has placed restrictive conditions on the beer and wine sales. The special permit conditions would limit beer and wine sales to between the hours of 10 a.m. and 9 p.m. Also, the quantities of beer and wine available for sale will be limited to factory packaging so no singles will be allowed to be sold, and additional security measures have also been placed on the project.

The project hearing was continued by the Planning Commission several times from the first hearing on May 8<sup>th</sup>, 2008, to allow the applicant time to meet with the Police Department and with the neighbors to determine if there was a way to allow the beer and wine sales for the convenience market. On July 17, 2008, the applicant met with Deerfield/Mesa Grande Neighborhood Association. During the meeting a few neighbors expressed opposition to the alcohol sales and gas station proposal; however, a majority of the attendees expressed their support for the project and the development of the empty field which many said was a magnet for mischief and illegal dumping. Because the Police Department and the majority of the neighbors with which staff has been in contact, do not oppose the restricted beer and wines sales, staff supports the amendment to allow restricted sale of alcoholic beverages as conditioned in this report.

General Plan Update Vision and Guiding Principles: The current proposal complies with the goals and policies the City Council adopted as its vision for the future of the City by using the existing assets of infrastructure and public facilities to increase infill and reuse. The project design strives to establish important qualities of community character and connectivity as well as providing a development design compatible with the scale and character of the surrounding area.

Smart Growth Principles: The City Council adopted a set of Smart Growth Principles in December of 2001 to encourage development patterns that are sustainable and balanced in terms of economic objectives, social goals, and use

of environmental/natural resources. The proposed project promotes a distinctive and attractive pedestrian friendly community and will establish a sense of place with transit options nearby.

**Strategic Plan Implementation:** The recommended action conforms with the City's Strategic Plan by subscribing to goals to achieve sustainability and enhance livability by creating a pedestrian friendly and accessible development. Parking will be shared throughout the development. Providing neighborhood serving retail and office uses together reduces vehicle trips and the project's sustainability is increased. The pedestrian connectivity provided throughout the site as well as pedestrian connectivity to the adjacent neighborhood to the south enhances the area's livability factor.

**Committee/Commission Action:** On September 25, 2008, the City Planning Commission forwarded a recommendation of approval for all project entitlements to the City Council with a vote of five ayes and two noes. With their vote the commissioners added several conditions of approval that addressed: instituting a Good Neighbor Policy, tying the number of parking spaces provided to the land-use parking requirement, and enhancing and refining pedestrian connectivity and pathways by increasing the landscaping and reducing parking. The additional conditions are included in the project approval resolution as conditions C-1-d, C-1-o, and E-1-b, E-1-l, and E-1-m, (Attachment 5, pages 42, 43, 47, 48, and 49, respectively).

Two neighbors spoke at the September 25 hearing. One spoke in favor of the project and one spoke in opposition. The neighbor speaking in support indicated the project would be an asset to the community. The neighbor speaking in opposition to the project indicated the convenience market/gas station was not an appropriate use for the intersection or for the project as a whole.

#### **Environmental Considerations:**

**California Environmental Quality Act (CEQA):** Environmental Planning Services has determined that the project as proposed may have potentially significant impacts to the environment. Mitigation measures have been incorporated in the project to reduce these impacts to a less-than-significant level, and a Mitigated Negative Declaration has been prepared for the project.

In compliance with Section 15070(B)1 of the California Environmental Quality Act (CEQA) Guidelines, mitigation measures have been identified that are either incorporated into project plans or have been identified to reduce impacts to a less-than-significant level. These mitigation measures address biological resources, air quality, noises and cultural resources. The mitigation measures are listed in the attached Mitigation Monitoring Plan.

The Mitigated Negative Declaration was available for public review during the period of Friday, February 19, 2008, through Monday, March 19, 2008. At the time of preparation of this staff report, one comment regarding the document was submitted by the Department of Utilities. The change requested was minor and has been included in the Mitigated Negative

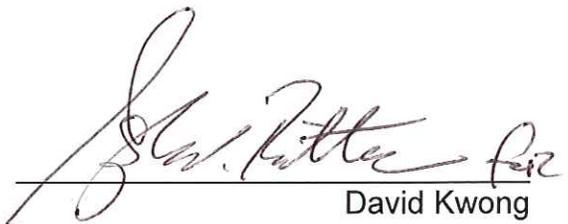
Declaration.

**Sustainability Considerations:** The Franklin Point project has been reviewed for consistency with the Sustainability Master Plan's goals, policies, and targets and the 2030 General Plan. If approved, the project will advance the following goals, policies, and targets: by developing the infill site with a compact, mixed-use, pedestrian friendly design that effectively utilizes existing infrastructure the development will be more resource and energy efficient. By providing landscaped pedestrian connectivity both on- and off-site the carbon emissions will be reduced with the reduction of vehicle trips internal to the site as well as from the adjacent residential development.

**Rationale for Recommendation:** The project is consistent with the General Plan Goal to promote the reuse and revitalization of existing developed areas, with special emphasis on commercial and industrial districts. The project also will promote economic vitality and diversification of the local economy. The project further is consistent with the City Council's vision for the City's future by promoting infill development and concentrating new development and targeting infrastructure investments within the urban core of the region.

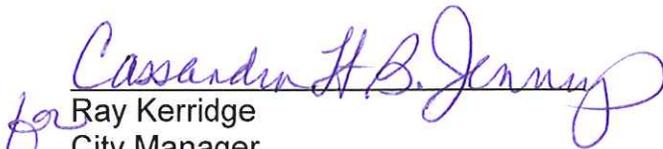
**Financial Considerations:** The project has no fiscal considerations.

**Emerging Small Business Development (ESBD):** No goods or services are being purchased under this report.

Respectfully Submitted by:   
David Kwong  
Planning Manager

Approved by:   
William Thomas  
Director of Development Services

Recommendation Approved:

  
Ray Kerridge  
City Manager

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**Attachment 1 – Project Background / Summary**

Since 1978, the ±14 acre site, of which this project is a ±5.5 acre portion, has undergone three land use changes. In 1978, the City Council approved a rezone of the entire International Plaza PUD site (14± gross acres) from the Agricultural (A) zone to the Standard Single-family and Multi-family Residential (R-1 and R-3, respectively) zones and the General Commercial (C-2) zone (P7905). In 1986, as part of the South Sacramento Community Plan adoption, the City Council approved a Rezone and Plan Amendment of the site to Office Building Review (OB-R) and Residential Office (RO).

On June 8, 1993, the City Council approved an application (P89-018) to develop a 139,675± square foot shopping center within the original ±14 acre site. This approval included enactment of Ordinance No. 93-033 (Attachment 9) that rezoned the site to Shopping Center Plan Review (SC-R), subject to conditions. The conditions expressly prohibit alcoholic beverage sales for off-site consumption, establish hours of operation, and required the applicant to submit an application for a Planned Unit Development (PUD) site designation.

In compliance with the PUD condition a request for a Rezone and PUD designation was submitted (P93-167). On May 3, 1994, the City Council enacted Ordinance No. 94-013 (Attachment 10) which rezoned the site to SC (PUD) and Ordinance No. 94-014 (Attachment 11) which modified the hours of operation established under Ordinance No. 93-033 and adopted Resolution No. 94-260 approving the PUD schematic plan and development guidelines. The development guidelines also contained a prohibition on alcoholic beverage sales for off-site consumption. On February 11, 1999, the Planning Commission approved the entitlements required to develop a 16,320± square foot pharmacy with a drive-through facility (P97-107). The pharmacy was never constructed.

On March 8, 2005, an ±8.5 acre portion of the vacant ±14 acre site was approved for residential development (Villa Terassa) by the City Council. In order for the development to occur, the General and South Sacramento Community plans land use designations and the zoning were changed to allow residential development. The General and South Sacramento Community plans were changed from commercial to residential use (Resolution 2005-137, 2005-138 respectively) and a majority of the site (8.5± acres) was rezoned from the Shopping Center Planned Unit Development (SC-PUD) to the Single-family Alternative Planned Unit Development (R-1A-PUD) zone (Ordinance 2005-017). Amendments to both the PUD Schematic Plan and Development Guidelines were also made to allow the development to occur within the International Plaza PUD (Resolution 2005-139) and the project development was approved by Resolution 2005-140. The Villa Terassa project is currently under construction.

Currently the applicant is requesting to subdivide and develop the remaining ±5.5 acre property with a commercial mixed-use project containing ±38,396 square feet of building area within the Shopping Center International Plaza Planned Unit Development (SC-PUD) zone. Proposed uses for the site are a convenience market/gas

station/quick service restaurant/car wash, retail stores, sit-down restaurant, and general and medical offices.

PUD Guidelines Amendment: The project includes development guidelines to be used in the construction of Franklin Point. The guidelines are intended to be consistent with the policies outlined in the South Sacramento Community Plan and the Zoning Ordinance except as identified in the Plan Review. The applicant proposes to: eliminate PUD Guideline language prohibiting the convenience market sale of beer and wine for off-site consumption; to extend the hours of operation for the convenience market from 5 a.m. until 2 a.m. instead of 6 a.m. until 11 p.m.; and, to reduce the street-side setback requirement from 50 to 20 feet, the front setback from 50 to 25 feet, the interior side setback from 50 to 10 feet, and the rear setback from 40 to 25 feet.

Staff believes the applicant's proposal to extend the hours of operation from 11 p.m. to 2 a.m. would encourage loitering and mischief in the neighborhood. Because the adjacent development is residential and nearby businesses either close at an earlier hour or at 11 p.m. staff does not support extending the evening hours. Also, the evening business closing hours were specified in the rezone ordinance conditions (Ord. 93-033) and were extended for restaurants to midnight in the subsequent Ordinance (Ord. 94-014). Staff does support extending the morning hours so the market might open at 5 a.m. instead of 6 a.m. because the intersection of Mack Road and Franklin Boulevard is a commute crossroads and having fuel available at an earlier hour would accommodate the early commuters in the area. If the City Council determines to extend the hours of operation for the convenience market beyond 11:00 p.m., an amendment to Ordinance No. 93-033 will be necessary,

Staff believes reducing the setbacks so they are similar to the setbacks required in the Shopping Center (SC) zone is in keeping with pedestrian friendly development by bringing the buildings closer to the street and more sustainable by making more efficient use of the developable land. Finally, the proposed setbacks will still provide an adequate landscape buffer between the adjacent residential neighborhood and Franklin Point.

### **PUD Schematic Plan Amendment**

Changes to the PUD Schematic Plan are necessary in order to replace a portion of the original shopping center planned and approved for the site. The Schematic Plan illustrates the site plan as proposed and includes the building locations as well as parking layout and landscaping. The center will be adequately served by the public right-of-ways of Franklin Boulevard and Mack Road. The project site will be adequately landscaped both internally and along both roadway frontages.

The schematic plan was amended when the Villa Terassa residential subdivision (P03-132) was approved. The residential project encompassed approximately two-thirds of the original PUD site and when Villa Terassa was approved the amended schematic plan did not address how the remaining one-third of the PUD was to be developed because the owner at that time didn't know how the site was going to be developed.

The current Schematic Plan proposal addresses the provision of adequate access, landscaping, parking distribution, circulation and layout as well as building setbacks from both existing developments and roadways.

Convenience Market Special Permit: The applicant proposes to construct a 3,700 square foot convenience market with associated fuel sales, a quick service restaurant, and a car wash. The building is closer than 500 feet to residentially zoned property and is proposed to operate between the hours of 5 a.m. and 11 p.m. so approval of a Special Permit is required per Section 17.24.050 footnote 34(a)(b) of the Zoning Ordinance.

The proposed use is consistent with the intent of the uses allowed in the Shopping Center (SC) zone which is a general shopping center zone that provides a wide range of goods and services to the community. The use is allowed in the zone with the approval of a special permit.

The project, as conditioned, will not be detrimental to the public health, safety, or welfare or result in the creation of a public nuisance in that the project will establish an upscale architectural presence in the community, and will provide:

- (i) Landscaping that will be placed to screen the enclosed carwash facility and in the side and rear setback areas adjacent to existing residences and the landscaping will be maintained to provide optimum surveillance opportunities for security purposes;
- (ii) On-site lighting that will be placed to illuminate the project but will be screened from impacting adjacent roadways and properties;
- (iii) Sufficient parking spaces to meet the City's parking space requirement for a commercial mixed-use center.
- (iv) The construction of an eight-foot tall masonry wall along the property lines abutting all residential properties (per the International Plaza PUD Guidelines, Section III-C.);
- (v) The convenience market hours of operation will be limited to 5 a.m. to 11 p.m., seven days a week.

The proposed project is consistent with the commercial land use policies and the development requirements of the General and South Sacramento Community plans. Additionally, the International Plaza Planned Unit Development Guidelines include a gas station/convenience market as a preferred use.

Beer and Wine Sales Special Permit: The applicant proposes to sell beer and wine for off-site consumption at the convenience market for which the approval of a special permit is required per Section 17.24.050 footnote 40 of the Zoning Ordinance.

The convenience market hours of operation would be between 5 a.m. and 11 p.m.

which is similar to the operating hours of nearby businesses. Alcoholic beverages sales would be restricted to between the hours of 10 a.m. and 9 p.m., seven days a week reducing the opportunities for late night disturbances.

The State Department of Alcoholic Beverage Control has authorized a total of 18 off-sale licenses for the four census tracts emanating from the intersection of Mack Road and Franklin Boulevard. Of the 18 authorized off-sale licenses, just five are currently active. The census tract in which the project is located has five off-sale licenses authorized but none are active so an undue concentration does not currently exist.

The proposed development will enhance the area with upscale architecture and landscaping. Adequate landscaped setbacks and landscaping is proposed around the project perimeter between the commercial uses and the adjacent residences. An eight-foot tall decorative split-face masonry wall will be constructed along all residentially zoned properties to separate the uses and reduce the impact of having the commercial uses adjacent to residential uses. The developer, who has worked in the region for many years, has developed many projects in the Sacramento area and has a reputation for constructing and maintaining their properties in good standing.

Initially, the Police Department and many of the neighbors' opposed the addition of beer and wine sales at the convenience market. After several well attended neighborhood meetings which included the Deer Creek/Mesa Grande Neighborhood Association and after negotiations with the Police Department, a majority of the neighbors support the Franklin Point development and have rescinded their opposition to the beer and wine sales as has the Police Department; therefore, staff supports the Special Permit for Beer and Wine Sales.

Plan Review: The applicant proposes to subdivide the ±5.5 acre property into five (5) parcels for development with commercial buildings. Any development proposed within the Shopping Center (SC) zone requires the review and approval of a Plan Review as required in City Code Section 17.24.050, footnote 15 and in accordance with Chapter 17.220 of the City Code. In this instance, the Plan Review is for a commercial mixed use development with an approximate building area of 38,396 square feet in the Shopping Center (SC) zone.

The proposed commercial mixed-use project is a commercial use consistent with the Community/ Neighborhood Commercial and Offices land use designation and applicable policies related to commercial development.

The proposal complies with all applicable City policies related to facilities and infrastructure. Conditions have been included to ensure adequate drainage capacity and street frontage improvements.

The design of the project complies with applicable setback, lot coverage, density, height, and parking regulations. Conditions have been included to ensure compliance with landscaping requirements.

By maintaining landscaping at appropriate heights, screening project lighting from adjacent residences and streets, and providing ongoing property maintenance, the proposal will comply with safety standards and will not pose a threat to the public health nor be injurious to the surrounding area. Additionally, an eight-foot tall decorative masonry wall will be constructed along the south and west property lines adjacent to residential uses.

### Access, Circulation and Parking

The proposed project is consistent with the Neighborhood Commercial Corridor Design Principles in that balanced circulation routes for both pedestrians and vehicles movement have been provided. The proposed project has two limited movement (right in, right out) driveway ingress/egress points, with one access point provided on each roadway. Pedestrian pathways will be specially colored and stamped asphalt and the access points are separate from the vehicular access points along Mack Road and Franklin Boulevard. Pedestrian access is provided from the roadway intersection into the center as well as throughout the project site. An electronic pedestrian gate and pathway has been provided to the residential subdivision to the south (Villa Terassa) midway along the southern property line.

The parking requirements for the development, as proposed, are as follows:

Parking			
Use	Required Parking	Proposed Parking	Difference
<b>Bldg. 1 - Restaurant</b> 252 seats	1 space/3 seats 84 spaces		
<b>Bldg. 2 - Medical Office</b> 7,200 sq. ft.	1 space/200 sq. ft. 36 spaces		
<b>Bldg. 3 - General Office *</b> 7,800 sq. ft.	1 space/400 sq. ft. 20 spaces		
<b>Bldg. 4 - Retail</b> 12,600 sq. ft.	1 space/250 sq. ft. 50 spaces		
<b>Bldg. 5 - Gas/Retail</b> 3,700 sq. ft.	1 space/250 sq. ft. 15 spaces		
<b>Total Parking Spaces</b>	205 spaces	252 spaces	+47 spaces

\*Maximum office parking permitted is 1 space per 275 sq. ft.

As indicated above, the project exceeds the vehicle parking requirement by 47 spaces.

The applicant's revised site plan indicates 252 parking spaces are proposed (Exhibit C, pg. 69). As indicated above, this exceeds the minimum vehicle parking requirements by 47 spaces. If Building 3 was also developed as a medical office the minimum parking required would increase by 19 spaces to 224 spaces. The applicant has indicated that, in order to allow the site to operate efficiently, to allow for a variety of uses at the site, and in order to avoid spillover parking into the nearby neighborhood, the project has been designed with additional on-site parking in excess of the minimum parking requirement.

The Planning Commission, however, in order to improve and enhance pedestrian walkways and connectivity internally and externally, and to encourage alternate modes of transportation, added several conditions to the project related to parking and circulation. The conditions are provided below as well as in Attachment 5 with condition E-1-I beginning on page 48.

E-1-I. The Site and Landscape plans shall be revised and refined to enhance pedestrian connections and walkability throughout the site. Specific areas to be refined are between the convenience market and Franklin Blvd. and between the freestanding restaurant and the office buildings. This will involve the reduction of non-required parking spaces. The specific requirements are as follows:

1. Revise the Site and Landscape plans to show an 8' wide concrete pedestrian path along the west side of Building 4, connecting Mack Road to the plaza area located at the southwest corner of Building 4.
2. Revise the Landscape Plan and increase the number of street trees planted along both the Mack Road and the Franklin Blvd. frontage. If feasible, the spacing of the street trees should be 25' on-center. The revised plan shall be submitted to Current Planning, Development Engineering, and Urban Forest Services staff for review and approval prior to the issuance of the frontage improvement plans.
3. The applicant shall revise, refine and embellish the Site and Landscape plans to show an increase in the landscape areas flanking the pedestrian paths connecting the convenience market to the sidewalk along Franklin Blvd and connecting the restaurant and the medical office building as well as throughout the center. A minimum of seven (7) of the proposed parking spaces, as shown on the Site Plan, flanking the paths shall be converted to landscaping, providing a more pleasant pedestrian connection. The applicant shall also revise the pedestrian pathway between Buildings 1 and 2 (restaurant and medical office building) by straightening the pathway's dogleg jog so a straight connection is provided between the two buildings and adding additional landscaping including trees.

The revisions shall be indicated on both the Site and Landscape plans

and shall be reviewed and approved by Current Planning, Development Engineering, and Urban Forest staff prior to the issuance of the off-site building permit(s) for frontage improvements construction along Franklin Blvd.

E-1-m. The minimum number of parking spaces required on-site shall also be the maximum number. The required number of parking spaces shall be based upon the proposed land uses' parking requirement for the site. The minimum number of parking spaces required is 205 spaces if Building 2, with 7,200 sq. ft. is medical office and Building 3 is standard office as shown on the Site Plan. The required number of parking spaces if all the office area is designated for medical use is 224 spaces. The Site Plan shall be revised to reflect this reduction of parking and reviewed and approved by Current Planning, Development Engineering, and Urban Forest staff prior to the issuance of any on-site building permits.

<b>Bicycle Parking</b>			
<b>Total Required Parking</b>	<b>Required bicycle parking</b>	<b>Provided bicycle parking</b>	<b>Difference</b>
205-216 spaces	10-11 spaces	6 bicycle lockers (Class I), 6 bicycle racks (Class III)	+1 or +2

As indicated, the project meets or exceeds bicycle parking requirements.

### Height, Bulk and Setbacks

<b>Table 3: Height and area standards</b>			
<b>Standard</b>	<b>PUD/Zoning Ord.</b>	<b>Proposed</b>	<b>Deviation?</b>
<b>Height</b>	35'	±30'	no
<b>Front setback</b>	50'/20'	±40'	yes/no
<b>Side setback</b>	50'/5'	±13.5'	yes/no
<b>Street side setback</b>	50'/20'	±24'	yes/no
<b>Rear setback</b>	40'/15'	±27.5'	yes/no
<b>Lot coverage</b>	No Limitation		

As indicated, the project does not meet the PUD setback requirements but does meet or exceed the Shopping Center (SC) zone setback requirements. The applicant

proposes to amend the PUD Guidelines so the setback requirements are more consistent with current SC setback standards to allow a more efficient and pedestrian friendly atmosphere for the development.

### **Building design, signage and landscaping**

Five commercial buildings are proposed with this application with a total building area of ±38,396 square feet. A contemporary architectural style is proposed and is employed consistently throughout the center with unifying elements of stone, stucco, and architectural detailing.

The design is consistent with the Neighborhood Commercial Corridor Design Principles in that the architectural expression seeks to tie the individual buildings together by utilizing a similar visual theme for a majority of the facades. The roof form, massing, changes in planes by the use of moldings, architectural accessories, differing materials, and shapes create variation and visual interest.

Consistent with the Neighborhood Commercial Corridor Design Principles the landscaping and street furniture help to unify the center. The landscaped areas serve to enhance the appearance of the structures, define the functions and edges, screen undesirable views, and introduce color and texture. Broad expanses of groundcover are proposed along both street frontages with some turf along Mack Road. Because trees typically don't thrive when surrounded by turf the project will be conditioned to replace the majority of the turf areas with groundcover or mulch, as appropriate.

No signage is proposed with this application. The project will be conditioned to provide a Master Signage Program complete with graphics and text outlining the specific signage criteria for the Franklin Point as a whole.

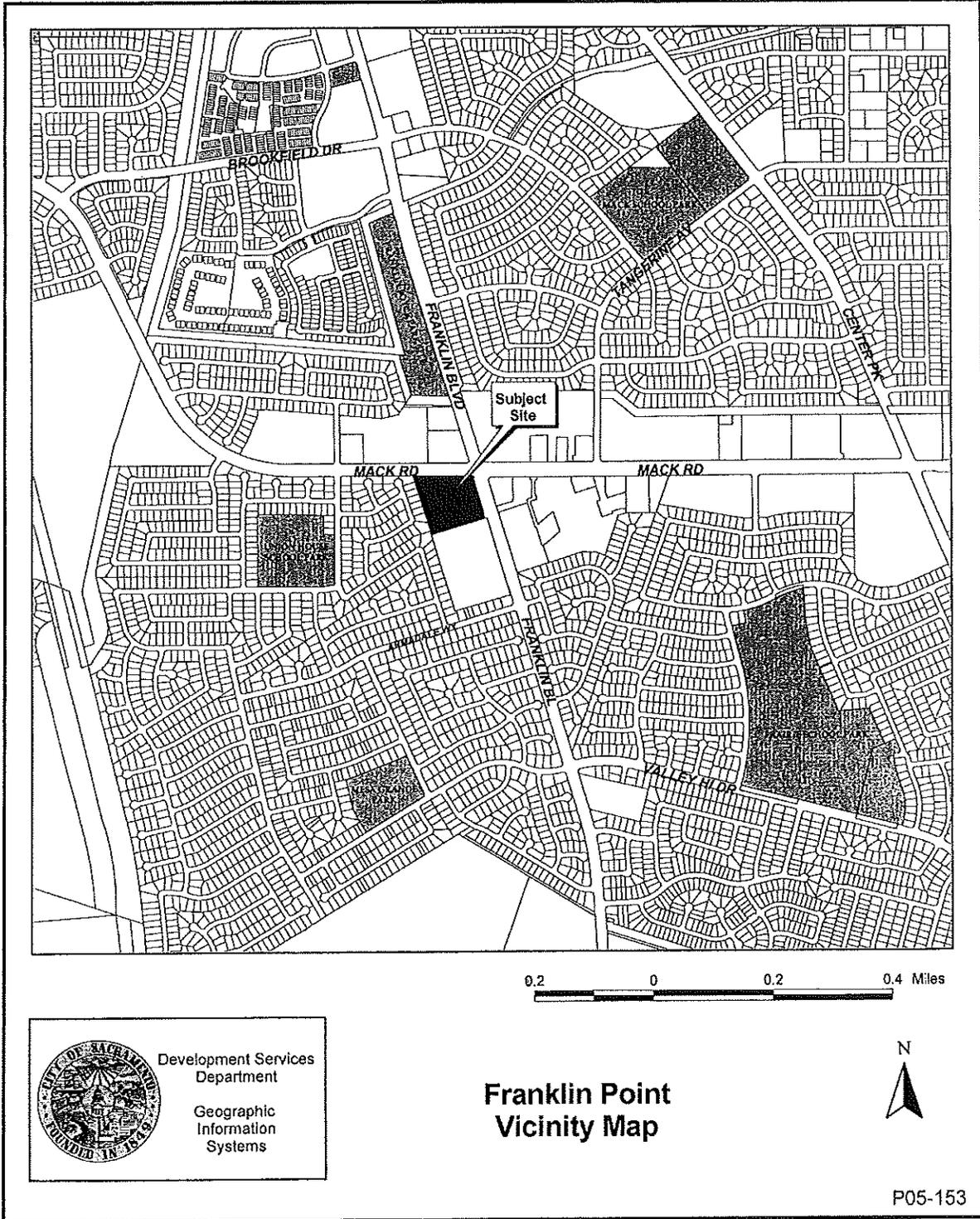
### **Tentative Map**

The applicant proposes to merge two parcels comprising ±5.5 acres and then subdividing same into five (5) parcels in the Shopping Center Planned Unit Development (SC-PUD) zone. While there is no minimum lot size defined in the City Code within the SC zone, any subdivision of property into smaller parcels within the SC zone must be approved by the Planning Commission and the submission must be made on a site development plan so its relationship to the overall development may be reviewed (City Code Section 17.24.050, footnote 15).

The parcel sizes created with the subdivision of the property are of adequate size for the proposed uses. The circulation patterns work well and avoid conflict points with the car wash drive-through entrance and exit. Sufficient area is provided for parking, maneuvering, landscaping, and pedestrian pathways. The Subdivision Review Committee unanimously approved the Tentative Map on March 5, 2008.

**Notice of Hearing:** As required by 17.200.010(C)(2)(a), (b), and (c) of the City Code, ten day notice of the December 2, 2008, public hearing has been given by publication, posting, and mail (500').

Attachment 2 – Vicinity Map



P05-153

**RESOLUTION NO. 2008-**

Adopted by the Sacramento City Council

**ADOPTING THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION  
MONITORING PROGRAM FOR THE FRANKLIN POINT PROJECT  
(P05-153)**

**BACKGROUND**

- A. On May 8, 2008, the City Planning Commission conducted a public hearing on the Franklin Point project and continued the item.
- B. On September 25, 2008, the City Planning Commission conducted a public hearing, and forwarded to the City Council a recommendation to approve with conditions the Franklin Point project.
- C. On January 6, 2009, 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 Franklin Point project.

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

Section 1. The City Council finds as follows:

A. The Project initial study identified potentially significant effects of the Project. Revisions to the Project made by or agreed to by the Project applicant before the proposed mitigated negative declaration and initial study were released for public review were determined by City's Environmental Planning Services to avoid or reduce the potentially significant effects to a less than significant level, and, therefore, there was no substantial evidence that the Project as revised and conditioned would have a significant effect on the environment. A Mitigated Negative Declaration (MND) for the Project was then completed, noticed and circulated in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the Sacramento Local Environmental Procedures as follows:

1. On February 19, 2008, a Notice of Intent to Adopt the MND (NOI) dated February 19, 2008, was circulated for public comments for 30 days. The NOI was sent to those public agencies that have jurisdiction by law with respect to the proposed project and to other interested parties and agencies, including property owners within 500 feet of the boundaries of the proposed project. The comments of such persons and agencies were sought.

2. On February 19, 2008, the project site was posted with the NOI, the NOI was published in the Daily Recorder, a newspaper of general circulation, and the NOI was posted in the office of the Sacramento County Clerk.

Section 2. The City Council has reviewed and considered the information contained in the MND, including the initial study, the revisions and conditions incorporated into the Project, and the comments received during the public review process and the hearing on the Project. The City Council has determined that the MND constitutes an adequate, accurate, objective and complete review of the environmental effects of the proposed project.

Section 3. Based on its review of the MND and on the basis of the whole record, the City Council finds that the MND reflects the City Council's independent judgment and analysis and that there is no substantial evidence that the Project will have a significant effect on the environment.

Section 4. The City Council adopts the MND for the Project.

Section 5. Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15074, and in support of its approval of the Project, the City Council adopts a Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Program.

Section 6. Upon approval of the Project, the City's Environmental Planning Services shall file or cause to be filed a Notice of Determination with the Sacramento County Clerk and, if the project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to section 21152(a) of the Public Resources Code and section 15075 of the State EIR Guidelines adopted pursuant thereto.

Section 7. Pursuant to Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in and may be obtained from, the Office of the City Clerk at 915 I Street, Sacramento, California. The City Clerk is the custodian of records for all matters before the City Council.

Table of Contents:

Exhibit A: Mitigation Monitoring Program

**Exhibit A - Mitigation Monitoring Plan**

**MITIGATION MONITORING PLAN**

**FOR**

**Franklin Point (P05-153)**

**TYPE OF ENVIRONMENTAL DOCUMENT:  
INITIAL STUDY/ NEGATIVE DECLARATION**

**PREPARED FOR:**

**CITY OF SACRAMENTO, DEVELOPMENT SERVICES DEPARTMENT**

**DATE:**

January 30, 2008

**ADOPTED BY:**

**CITY OF SACRAMENTO  
CITY COUNCIL**

**DATE:**

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**ATTEST:**

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**Franklin Point (P05-153)  
MITIGATION MONITORING PLAN**

This Mitigation Monitoring Plan (MMP) has been required by and prepared for the City of Sacramento Development Services Department, Environmental Planning Services, 300 Richards Boulevard, Sacramento, CA 95811, pursuant to CEQA Guidelines Section 21081.6.

**SECTION 1: PROJECT IDENTIFICATION**

**Project Name / File Number:** Franklin Point (P05-153)

**Owner/Developer- Name:** Bay Miry  
**Address:** D & S Development,  
1329 H Street,  
Sacramento, CA 95814

**Project Location / Legal Description of Property (if recorded):**

The proposed project site located on two parcels (APN 119-0070-072 and 063) and is generally rectangular in shape. The proposed project is bounded on the west by single-family homes, Mack Road to the north, Franklin Boulevard to the east and single-family homes to the south.

**Project Description:**

The proposed project consists of entitlements to subdivide and develop an approximately 5.5-acre parcel with a commercial mixed used development containing 15,000 square feet of office, 16,300 square feet of gas/retail and an 8,000 square foot sit-down restaurant within the International Plaza PUD.

**SECTION 2: GENERAL INFORMATION**

The Plan includes mitigation for Biological Resources, Air Quality, Noise, and Cultural Resources. 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 owner/developer identified above. This Mitigation Monitoring Plan (MMP) is designed to aid the City of Sacramento in its implementation and monitoring of mitigation measures adopted for the proposed project.

The mitigation measures have been taken from the Initial Study and are assigned the same number they have in the document. The MMP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions. The developer will be responsible for fully understanding and effectively implementing the mitigation measures contained with the MMP. The City of Sacramento will be responsible for ensuring compliance.

<b>Environmental Resource</b>	<b>Mitigation Measure</b>	<b>Responsible Entity</b>	<b>Compliance Milestone / Confirm Complete</b>
<p>Biological Resources</p>	<p>B-1 a Prior to issuance of grading permits, the applicant shall retain a qualified biologist to conduct preconstruction surveys of suitable burrowing owl habitat within the project site within 30 days prior to construction to ensure that no burrowing owls have become established at the site. If ground disturbing activities are delayed or suspended for more that 30 days after the preconstruction survey, the site shall be re-surveyed. If no burrowing owls are located, then no further mitigation is required.</p>	<p>City of Sacramento, Development Services Department  California Department of Fish and Game</p>	<p>Prior to issuance of any grading or building permit, measures identified on plans shall be verified for compliance. The Development Services Department shall assure that measures are identified on construction plans and specifications and confirm compliance prior to issuance of any grading or building permit.</p>
<p>Biological Resources</p>	<p>B-2 The proposed project shall be subject to consultation under Section 7 of the federal ESA between the Army Corps of Engineers (ACOE), the federal lead agency under Section 404 of the Clean Water Act, and the U.S. Fish and Wildlife Service.</p>	<p>City of Sacramento, Development Services Department,  Army Corps of Engineers,  U.S. Fish and Wildlife Service</p>	<p>Prior to issuance of any grading or building permit, measures identified on plans shall be verified for compliance. The Development Services Department shall assure that measures are identified on construction plans and specifications</p>

Environmental Resource	Mitigation Measure	Responsible Entity	Compliance Milestone / Confirm Complete
			and confirm compliance prior to issuance of any grading or building permit
Biological Resources	B-3 Mitigation credits shall be purchased from a United State Fish and Wildlife Service (USFWS) approved mitigation bank or in-lieu fees must be paid to a USFWS-approved fund to offset the loss of special-status invertebrates and suitable habitat.	City of Sacramento, Development Services Department,  U.S. Fish and Wildlife Service	Prior to issuance of any grading or building permit, measures identified on plans shall be verified for compliance. The Development Services Department shall assure that measures are identified on construction plans and specifications and confirm compliance prior to issuance of any grading or building permit.
Biological Resources	B-4 Prior to issuance of a grading permit, the applicant shall demonstrate that it has obtained permits for "fill" activities from the U.S. Regional Water Quality Control Board (RWQCB) and Army Corps of Engineers (ACOE).	City of Sacramento, Development Services Department,  Central Valley Regional Water Quality Control Board  Army Corps of Engineers	Prior to issuance of any grading or building permit, measures identified on plans shall be verified for compliance. The Development Services Department shall assure that measures are identified on construction

Environmental Resource	Mitigation Measure	Responsible Entity	Compliance Milestone / Confirm Complete
			plans and specifications and confirm compliance prior to issuance of any grading or building permit.
Biological Resources	B-5 Wetland mitigation credits for loss of 0.052-acre of jurisdictional seasonal wetland must be purchased from an ACOE-approved mitigation bank or in-lieu fees must be paid to a ACOE-approved fund at a 1:1 replacement ratio to offset the loss of Waters of the U.S.	City of Sacramento, Development Services Department,  Army Corps of Engineers	Prior to issuance of any grading or building permit, measures identified on plans shall be verified for compliance. The Development Services Department shall assure that measures are identified on construction plans and specifications and confirm compliance prior to issuance of any grading or building permit.
Air Quality	The applicant shall work with the Sacramento Metropolitan Air Quality Management District (SMAQMD) to create an Air Quality Mitigation Plan to reduce operational emissions below the significance level for NO <sub>x</sub> . The Air Quality Mitigation Plan shall implement specific measures selected by the applicant with assistance from the SMAQMD. The Air Quality Mitigation Plan shall be a stand-alone document separate from any other project document. The document shall provide narrative, descriptions, and exhibits that illustrate and justify the measure being chosen and the proposed point value. Once the Air Quality Mitigation Plan meets the satisfaction of the applicant, SMAQMD and the City of Sacramento, a	City of Sacramento, Development Services Department,  Sacramento Metropolitan Air Quality Management District	Prior to the issuance of release of the Mitigated Negative Declaration for Franklin Point (P05-153) measures identified on plans shall be verified for compliance.

Environmental Resource	Mitigation Measure	Responsible Entity	Compliance Milestone / Confirm Complete
	letter from the SMAQMD shall be sent to the City of Sacramento. The Air Quality Mitigation Plan shall be referenced as a condition of approval and implemented prior to issuance of the release of the Mitigated Negative Declaration.		
Noise	N-1 A six-foot (6') noise barrier shall be constructed of concrete masonry units or solid concrete panels on the south wall of the proposed project in-between Building 1 and Building 2. The proposed pedestrian connection shall require a glass or steel frame gate or another solid sheet material. The door material shall be solid with four pounds per square foot in density with no large gaps around the edges and bottom of the gate.	City of Sacramento, Development Services Department	Prior to issuance of any grading or building permit, measures identified on plans shall be verified for compliance. The Development Services Department shall assure that measures are identified on construction plans and specifications and confirm compliance prior to issuance of any grading or building permit
Cultural Resources	CR-1 The applicant shall hire a qualified archaeologist to conduct a records search for the project site, including a search of the North Central Information System at CSU, Sacramento. The qualified archaeologist shall provide recommendations for mitigation should any resource be identified on the project site by the records search. Prior to issuance of grading permits, the applicant shall provide proof that the records search has been performed and that any cultural resources identified on the project site have been mitigated according to the recommendations of the qualified archaeologist.	City of Sacramento, Development Services Department, Native American Heritage Commission	Measure shall be implemented prior to issuance of grading permits and during construction activities. Measures shall be implemented during construction

Environmental Resource	Mitigation Measure	Responsible Entity	Compliance Milestone / Confirm Complete
			activities, as specified.
Cultural Resources	<p>CR-2a In the event that any prehistoric subsurface archeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, animal bone, obsidian and/or mortars are discovered during construction-related earth-moving activities, all work within 50 meters of the resources shall be halted, and the City shall consult with a qualified archeologist to assess the significance of the find. Archeological test excavations shall be conducted by a qualified archeologist to aid in determining the nature and integrity of the find. If the find is determined to be significant by the qualified archeologist representatives of the City and the qualified archeologist shall coordinate to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis and professional museum curation. In addition, a report shall be prepared by the qualified archeologist according to the current professional standards.</p>	<p>City of Sacramento, Development Services Department,</p> <p>Native American Heritage Commission</p>	<p>Measure shall be implemented prior to issuance of grading permits and during construction activities.</p> <p>Measures shall be implemented during construction activities, as specified.</p>
Cultural Resources	<p>CR-2b If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.</p> <p>If Native American archeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be conducted by qualified archeologists, who are certified by the Society of Professional Archeologists (SOPA) and/or meet the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and Native American community as scholars of the cultural traditions.</p> <p>In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. If historic archeological sites are involved, all identified treatment is to be carried out by qualified historical archeologists, who shall meet either Register of Professional Archeologists (RPA), or 36 CFR 61 requirements.</p>	<p>City of Sacramento, Development Services Department,</p> <p>Native American Heritage Commission</p>	<p>Measure shall be implemented prior to issuance of grading permits and during construction activities.</p> <p>Measures shall be implemented during construction activities, as specified.</p>

<b>Environmental Resource</b>	<b>Mitigation Measure</b>	<b>Responsible Entity</b>	<b>Compliance Milestone / Confirm Complete</b>
Cultural Resources	CR-3 If a human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find, and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission, who shall notify the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-internment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place.	City of Sacramento, Development Services Department,  Native American Heritage Commission	Measure shall be implemented prior to issuance of grading permits and during construction activities.  Measures shall be implemented during construction activities, as specified.

**Attachment 4 – PUD Guidelines and Schematic Plan Amendments**

**RESOLUTION NO.**

**ADOPTED BY THE SACRAMENTO CITY COUNCIL**

**AMENDING THE PREVIOUSLY APPROVED INTERNATIONAL PLAZA PLANNED  
UNIT DEVELOPMENT SCHEMATIC PLAN AND DEVELOPMENT GUIDELINES FOR  
THE PROPERTY LOCATED ON THE SOUTHWEST CORNER AT THE  
INTERSECTION OF FRANKLIN BOULEVARD AND MACK ROAD, SACRAMENTO,  
CALIFORNIA.**

**(P05-153) (APNS: 119-0070-072 AND 063)**

**Background**

- A. On May 8, 2008, the City Planning Commission conducted a public hearing on the project and continued the item.
- B. On September 25, 2008, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve the PUD Guidelines and Schematic Plan Amendments for the Franklin Point project.
- C. On January 6, 2009, 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 Franklin Point project.

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

Section 1: The City Council finds as follows:

- 1. The PUD amendments conform to the General Plan; and
- 2. The PUD amendments meet the purposes and criteria stated in the City Zoning Ordinance in that the PUD facilitates mixed uses designed to assure that new development is healthy and of long-lasting benefit to the community and the City; and
- 3. The PUD amendments will not be injurious to the public welfare, nor to other property in the vicinity of the development and will be in harmony with the general purposes and intent of the Zoning Ordinance in that the PUD ensures

that development will be well-designed, and that the residential, commercial, and open spaces uses will not create a negative impact on adjacent uses.

Section 2. The Schematic Plan and Development Guidelines for the Franklin Point project are amended as shown in the attached Exhibits A, B, and C, with the following conditions:

1. Comply with requirements included in the Mitigation Monitoring Plan developed by, and kept on file in, the Planning Division Office (Resolution 2008-\_\_\_\_\_).

2. Tentative Map conditions and approved Tentative Map Street sections shall supersede PUD guidelines.

3. Commercial Mixed-use development within the Shopping Center (SC) zone shall comply with the design criteria outlined in the amended Development Guidelines.

Table of Contents:

Exhibit A – Schematic Plan – as amended

Exhibit B – PUD Guidelines Amendments – strikethrough

Exhibit C – PUD Guidelines



**Exhibit B – PUD Guidelines Amendments-strikethrough**

**III. PERMITTED USES IN THE SHOPPING CENTER ZONE**

B. Prohibited uses include:

- (1) Fast food, drive-through restaurant
- (2) General supermarket(s)
- (3) Adult bookstore(s)
- (4) Adult cabaret(s)
- (5) Adult motion picture theater(s)
- (6) Adult arcade(s)
- (7) Alcoholic beverages sales for off-site consumption, unless conducted in a retail store 15,000 square feet or larger in size or as conditionally permitted under Special Permit (P05-153) as it applies to the convenience mart located on Building 5 of the International Plaza Planned Unit Development Schematic Plan. This prohibition shall not be interpreted to prevent the sale of liquor, beer and wine in restaurants for consumption on the restaurant premises, regardless of the size of the restaurant; and
- (8) Liquor store(s)

E. Hours of Operation:

- (1) No user in the Shopping Center shall operate its establishment after 11:00 p.m. with the following exceptions: the theater may remain open until 1:00 a.m. provided it does not start showing of movie after 10:00 p.m., and any sit down restaurant may remain open until 12:00 midnight. ~~restaurants which may remain open until midnight~~ The convenience market/gas station may open for business at 5 a.m.

**V. BUILDING STANDARDS IN THE SHOPPING CENTER ZONE**

C. Building Setbacks: the minimum building setbacks are amended and shall be as follows:

Front:	50 <u>20 feet</u>
Street Side:	50 <u>20 feet</u>
Interior Side:	50 <u>12 feet</u>
Rear:	40 <u>25 feet</u>

**Exhibit C – PUD Guidelines**

**III. PERMITTED USES IN THE SHOPPING CENTER ZONE**

B. Prohibited uses include:

- (1) Fast food, drive-through restaurant
- (2) General supermarket(s)
- (3) Adult bookstore(s)
- (4) Adult cabaret(s)
- (5) Adult motion picture theater(s)
- (6) Adult arcade(s)
- (7) Alcoholic beverages sales for off-site consumption, unless conducted in a retail store 15,000 square feet or larger in size or as conditionally permitted under Special Permit (P05-153) as it applies to the convenience mart located in Building 5 of the International Plaza Planned Unit Development Schematic Plan. This prohibition shall not be interpreted to prevent the sale of liquor, beer and wine in restaurants for consumption on the restaurant premises, regardless of the size of the restaurant; and
- (8) Liquor store(s)

E. Hours of Operation:

- (1) No user in the Shopping Center shall operate its establishment after 11:00 p.m. with the following exceptions: the theater may remain open until 1:00 a.m. provided it does not start showing of movie after 10:00 p.m., and any sit down restaurant may remain open until 12:00 midnight. The convenience market/gas station may open for business at 5 a.m.

**V. BUILDING STANDARDS IN THE SHOPPING CENTER ZONE**

D. Building Setbacks: the minimum building setbacks are amended and shall be as follows:

Front:	20 feet
Street Side:	20 feet
Interior Side:	12 feet
Rear:	25 feet

**Attachment 5 – Project Approval**

**RESOLUTION NO.**

Adopted by the Sacramento City Council

**ADOPTING FINDINGS OF FACT AND APPROVING  
THE TENTATIVE MAP, THE SPECIAL PERMIT FOR A CONVENIENCE  
MARKET WITHIN 500 FEET OF A RESIDENTIAL USE, AND THE PLAN  
REVIEW OF A COMMERCIAL MIXED-USE DEVELOPMENT AND THE  
SPECIAL PERMIT FOR THE SALE OF BEER AND WINE FOR OFF-  
SITE CONSUMPTION FOR THE FRANKLIN POINT PROJECT  
APNS: 119-0070-063, 072 (P05-153)**

**BACKGROUND**

- A. On May 8, 2008, the City Planning Commission, the City Planning Commission conducted a public hearing on the project and continued the item.
- B. On September 25, 2008, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the Franklin Point project.
- C. On January 6, 2009, 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 Franklin Point 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 Franklin Point, the City Council takes the following actions based on the findings of fact and subject to the conditions of approval as set forth below: approves the following Project entitlements: tentative subdivision map, special permit for a convenience market within 500 feet of a residential use, sale of beer and wine for off-site consumption, and plan review for a commercial mixed-use development;

Section 2. The City Council approves the Project entitlements based on the following findings of fact:

- A. **Environmental Determination:** The Mitigated Negative Declaration and Mitigation Monitoring Program for the Project have been adopted by Resolution No.

\_\_\_\_\_

**B. Tentative Map:** The Tentative Map to merge two parcels comprising  $\pm 5.5$  acres and then subdividing same into five (5) parcels is approved based on the following findings of fact:

1. None of the conditions described in Government Code Section 66474, subsection (a) through (e), inclusive, exist with respect to the proposed subdivision as follows:

a. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City's General Plan, all applicable community and specific plans, and Title 16 of the City Code, which is a specific plan of the City;

b. The site is physically suitable for the type of development proposed and suited for the proposed density;

c. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife their habitat;

d. The design of the subdivision and the type of improvements are not likely to cause serious public health problems;

e. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use, of, property within the proposed subdivision.

2. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City General Plan, the South Sacramento Community Plan and Title 16 Subdivisions of the City Code, which is a specific plan of the City (Gov. Code §66473.5);

3. The discharge of waste from the proposed subdivision into the existing community sewer system will not result in a violation of the applicable waste discharge requirements prescribed by the California Regional Water Quality Board, Central Valley Region, in that existing treatment plants have a design capacity adequate to service the proposed subdivision (Gov. code §66474.6);

4. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Gov. Code §66473.1);

5. The City Council has considered the effect of the approval of this tentative subdivision map on the housing needs of the region and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources (Gov. Code §66412.3).

**C. Special Permit:** The Special Permit to operate a **convenience market** within

500 feet of a residential use 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 consistent with the intent of the uses allowed in the Shopping Center (SC) zone which is a general shopping center zone that provides a wide range of goods and services to the community. The use is allowed in the 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 public nuisance in that the project will establish an upscale architectural presence in the community, and will provide:

- (i) Landscaping that will be placed to screen the enclosed carwash facility and in the side and rear setback areas adjacent to existing residences and the landscaping will be maintained to provide optimum surveillance opportunities for security purposes;
- (ii) On-site lighting that will be placed to illuminate the project but will be screened from impacting adjacent roadways and properties. A six-foot tall decorative masonry wall will separate the commercial and residential uses along all shared property lines;
- (iii) Sufficient parking spaces to meet the City's parking space requirement for a commercial mixed-use center.
- (iv) The construction of an six-foot tall masonry wall along the property lines abutting all residential properties;
- (v) The convenience market's hours of operation will be limited to 5 a.m. to 11 p.m., seven days a week.

3. The proposed project is consistent with the commercial land use policies and development requirements of the General and South Sacramento Community plans. Additionally, the International Plaza Planned Unit Development Guidelines include a gas station/convenience market as a preferred use.

**D. Special Permit.** The Special Permit to allow the **sale of beer and wine** at a convenience market for off-site consumption is approved based on the following Findings of Fact;

1. The proposed use will not adversely affect the peace or general welfare of the surrounding neighborhood in that the use is conditioned to abide by restricted hours of operation and quantities allowed for sale thereby reducing opportunities for disturbances.

2. The proposed use will not result in undue concentration of establishments dispensing alcoholic beverages in that the State Department of Alcoholic Beverage Control has authorized a total of 18 off-sale licenses for the four census tracts meeting

at the intersection of Mack Road and Franklin Boulevard. Of the 18 authorized off-sale licenses, just five are currently active. The census tract in which the project is located has five off-sale licenses authorized but none are active so an undue concentration does not currently exist.

3. The proposed use will not enlarge or encourage the development of a skid row or blighted area in that the proposed development will enhance the area with upscale architecture and landscaping. The hours of operation and alcoholic beverage sales are restricted to more traditional business hours when more people are likely to be on the street to serve as a deterrent to mischief. Adequate landscaped setbacks and landscaping is proposed around the project perimeter between the commercial uses and the adjacent residences and an eight-foot tall decorative masonry wall will be constructed along all residentially zoned properties to separate the uses and reduce the impact of having the commercial uses adjacent to residential uses.

**E. Plan Review:** The Plan Review of a commercial mixed-use development with an approximate building area of 38,396 square feet in the Shopping Center (SC) zone is approved based on the following Findings of Fact:

1. The proposed commercial mixed-use project, including but not limited to the density of a proposed residential development, is a commercial use consistent with the Community/ Neighborhood Commercial and Offices land use designation and applicable policies related to commercial development.

2. Facilities, including utilities, access roads, sanitation and drainage are adequate and consistent with city standards, and the proposed improvements are properly related to existing and proposed streets and highways in that staff have reviewed the proposal and found it to comply with all applicable city policies related to facilities and infrastructure. Conditions have been included to ensure adequate drainage capacity and street frontage improvements.

3. The property involved is of adequate size and shape to accommodate the proposed use and required yard, building coverage, setback, parking area and other requirements of this title in that the design of the project complies with applicable setback, lot coverage, density, height and parking regulations. Conditions have been included to ensure compliance with landscaping requirements.

4. Approval of the plan review will not be contrary to the public health or safety or injurious to the property or improvements of adjacent properties in that by maintaining landscaping at appropriate heights, screening project lighting from adjacent residences and streets, and providing ongoing property maintenance the proposal will comply with safety standards and will not pose a threat to the public health nor be injurious to the surrounding area. Additionally, a six foot tall decorative masonry wall will be constructed along the south and west property lines adjacent to residential uses.

Section 3. The City Council approves the Project entitlements (tentative subdivision map, special permit for a convenience market within 500 feet of residential use and

alcohol sales for off site consumption, plan review) subject to the following conditions of approval:

**Conditions of Approval**

**B. Tentative Map:** The Tentative Map to merge two parcels comprising  $\pm 5.5$  acres and then subdividing same into five (5) parcels is approved subject to the following conditions of approval:

**NOTE: These conditions shall supersede any contradictory information shown on the Tentative Map or any contradictory provisions in the PUD guidelines approved for this project (P05-153). The design of any improvement not covered by these conditions or the PUD Guidelines shall be to City standard.**

The applicant shall satisfy each of the following conditions prior to filing the Final Map unless a different time for compliance is specifically stated in these conditions. Any condition requiring an improvement that has already been designed and secured under a City Approved improvement agreement may be considered satisfied at the discretion of the Development Engineering Division.

**GENERAL:** All Projects

1. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments;
2. Private reciprocal ingress, egress, maneuvering and parking easements are required for future development of the area covered by this Tentative Map. The applicant shall enter into and record an Agreement For Conveyance of Easements with the City stating that a private reciprocal ingress/egress, maneuvering, and parking easement shall be conveyed to and reserved from Parcels 1, 2, 3, 4 and 5, at no cost, at the time of sale or other conveyance of either parcel.;
3. Comply with requirements included in the Mitigation Monitoring Plan developed by, and kept on file in, the Planning Division Office (P05-153);
4. Meet all conditions of the amended PUD (P05-153) unless the condition is superseded by a Tentative Map condition;
5. Show all continuing and proposed/required easements on the Final Map;
6. If unusual amounts of bone, stone, or artifacts are uncovered, work within 50 meters of the area will cease immediately and a qualified archaeologist shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less than significant effect before construction resumes. A note shall be placed on the final improvement plans referencing this

condition;

**DEF: Streets**

7. Construct standard subdivision improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Development Engineering Division. Improvements required shall be determined by the city. Any public improvement not specifically noted in these conditions or on the Tentative Map 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 Development Engineering Division;
8. This project may require street lighting. There is an existing street lighting system in this project area. Improvements of right-of-way may require modification to the existing system. Electrical equipment shall be protected and remain functional during construction;
9. Dedicate sufficient right-of-way and construct full frontage improvements along Franklin Boulevard consistent with the City's 4-lane arterial standards (99-foot R/w) with separated sidewalks to the satisfaction of the Development Engineering Division;
10. Dedicate sufficient right-of-way and construct a right-turn lane at the proposed driveway along Franklin Boulevard to the satisfaction of the Development Engineering Division. The right turn lane design shall be per the site plan dated 12/20/2007, or to the satisfaction of the Department of Transportation;
11. Dedicate sufficient right-of-way and construct a right-turn lane at the proposed driveway along Mack Road per City standards and to the satisfaction of the Development Engineering Division;
12. The design and placement of walls, fences, signs and Landscaping 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. The area of exclusion shall be determined by the Development Engineering Division;
13. All right-of-way and street improvement transitions that result from changing the right-of-way of any street shall be located, designed and constructed to the satisfaction of the Development Engineering Division and the Department Of Transportation. The center lines of such streets shall be aligned.

14. Construct A.D.A. compliant ramps at the south-west corner of the intersection of Mack Road and Franklin Boulevard per City standards and to the satisfaction of the Development Engineering Division;
15. The applicant shall make provisions for bus stops, shelters, transit centers, etc. to the satisfaction of Regional Transit;

#### **PUBLIC/PRIVATE UTILITIES**

16. Dedicate a standard 12.5 foot public utility easement (PUE) for underground facilities and appurtenances adjacent to all street right of ways;
17. Connection to the District's sewer system shall be required to the satisfaction of the District. Sacramento County Improvement Standards apply to sewer construction;
18. Each parcel and each building with a sewage source shall have a separate connection to the CSD-1 sewer system;
19. Private sewer service laterals will not be permitted to connect directly to the 60-inch diameter interceptor sewer line;
20. In order to obtain sewer service, construction of CSD-1 sewer infrastructure will be required;
21. Sewer easements may be required. All sewer easements shall be dedicated to CSD-1, in a form approved by the District Engineer. All CSD-1 sewer easements shall be at least 20 feet in width and ensure continuous access for installation and maintenance. CSD-1 will provide maintenance only in public right-of-ways and in easements dedicated to CSD-1
22. The subject project owner(s) and successors in interest thereof, shall be responsible for repair and/or replacement of all non-asphalt and/or enhanced surface treatments of streets and drives (such as stamped/colored/decorative concrete, concrete pavers, etc.) within these easements damaged by District (CSD-1) maintenance and repair operations, including landscaping, channelizations, lighting and any other appurtenances conflicting therein. This requirement shall be set forth in easement grant documents and be a covenant running with the land, be responsibility of successors in interest in future land transfers and divisions and by language approved by the District. The district will only replace asphalt and standard concrete roadways/driveways disturbed due to maintenance/repair of its sewer line. If the repair is of decorative or stamped concrete, the District will only replace with standard concrete;
23. CSD-1 requires their sewers to be located a minimum of 10 feet (measured horizontally from edge of pipe to edge of pipe) from all potable water lines.

- Separation of sewer line from other parallel utilities, such as storm drain and other 'dry' utilities (electrical, telephone, cable, etc.) shall be a minimum of 7 feet (measured horizontally from the center of pipe to the center of pipe). Any deviation from the above separation due to depth and roadway width must be approved by the District on a case by case basis. Prior to recording the Final Map, the applicant shall prepare a utility plan that will demonstrate that this condition is met;
24. All structures along private drives shall have a minimum of 10-foot setback (measured horizontally from edge of collector pipe to edge of structure) so that the District can properly maintain the sewer line;
  25. If sewer services cross property lines, the applicant shall enter into an Agreement for Conveyance of Easements with the City, in a form acceptable to the City attorney, stating that each parcel shall convey to the remaining parcels, as needed, a private easement for sanitary sewer at no cost at the time of sale or other conveyance of any parcel. A note stating the following shall be placed on the Final Map: **" THE PARCELS CREATED BY THIS MAP SHALL BE DEVELOPED IN ACCORDANCE WITH RECORDED AGREEMENT FOR CONVEYANCE OF EASEMENTS IN BOOK\_\_\_\_\_, O.R. PAGE\_\_\_\_\_."**

#### CITY UTILITIES

26. Per City Code 13.04.070 and the Department current Tap Policy, commercial lots may have more than one 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 12" water main in Mack Road. There are also existing 8", 12", 18" and 36" water mains in Franklin Blvd. No connection is allowed to the existing 18" and 36" water transmission main in Franklin Blvd. A water main extension from the existing 12" in Franklin Blvd may be required if service connection to the existing 8" in Franklin Blvd is not desirable for Building 1.);
27. Each parcel shall have a separate, metered irrigation service; or provided that an owner or entity possessing an easement or other property right authorizing a common irrigation service for multiple parcels may request a common irrigation service for such parcels, and the DOU may, in its sole discretion, approve a Utility Service Agreement to provide a common irrigation services, on such terms and conditions as may be determined by the DOU;
28. The applicant shall enter into and record an Agreement for Conveyance of Easements with the City, in a form acceptable to the City Attorney, requiring that private easements be granted, as needed for water and drainage at no cost at the time of sale or other conveyance of any lot. A note stating the following shall be placed on the Final Map: "The lots created by this map shall be

developed in accordance with recorded agreement for conveyance of easements in Book\_\_\_\_, O.R. Page\_\_\_\_.”;

29. An on-site surface drainage system is required and shall be connected to the street drainage by means of a storm drain service tap. An on-site drainage study and shed map is required. This study and shed map shall be 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. 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);
30. Prior to the submittal of improvement plans, a project specific drainage study and shed map as described in section 11.7 of the City Design and Procedures Manual shall be approved by the Department of Utilities (DOU). The applicant shall coordinate the drainage study with the approved drainage study for Villa Terrassa (P03-132). The on-site storm drain system shall be sized per the latest infill design standards. Contact the Department of Utilities for the design criteria. On-site detention storage will most likely be required. A SWMM model (Storm Water Management Model) will be required to size the detention facility and storm drain pipes. Finished floor elevations shall be a minimum of 1.7 feet above the 100-year HGL and 1.5 feet above the controlling overland release elevation and approved by the Department of Utilities;
31. If required by the Department of Utilities (DOU), the applicant shall enter into and record an Agreement for Maintenance of drainage facilities within the project, in a form acceptable to the DOU and the City Attorney, that (1) requires the applicant to properly maintain and repair the private drainage facility, (2) authorizes the DOU to perform such maintenance or repair if the DOU determines at any time that such maintenance or repair is necessary for the drainage facility to function properly, and (3) requires the applicant to pay all costs incurred by the DOU to perform such maintenance or repair, and imposes a lien on applicants property if the applicant fails to pay such costs;
32. If the lots are graded, then 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;
33. If the lots are graded, then the applicant must comply with the City of Sacramento’s Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to show erosion and sediment methods on the improvement plans. These plans shall also show methods to control urban runoff pollution from the project site during construction;
34. If the lots are graded, then the applicant is required to comply with the “NPDES

General Permit for Storm water 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 Storm water 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 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;

## **FIRE**

35. All turning radii for fire access shall be designed as 35' inside and 55' outside;
36. Provide the required fire hydrants in accordance with CFC 508 and Appendix C, Section C105;

## **PPDD: Parks**

37. 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 \$14,855. This is based on 15,000 sq. ft at the office rate of \$.46 per sq. ft.; and, 23,396 sq. ft. at the retail rate of \$.34 per sq. ft. Any change in these factors will change the amount of the PIF due. The fee is calculated using factors at the time that the project is submitted for building permit;

## **MISCELLANEOUS**

38. Form an Owners Association. CC&R's shall be approved by the City and recorded assuring maintenance of private drives. The Owner's Association shall maintain all private drives, lights, common landscaping and common areas;

## **ADVISORY NOTES:**

The following advisory notes are informational in nature and are not a requirement of this Tentative Map:

39. The proposed development is located within County Sanitation District 1(CSD1). Satisfy all CSD1 requirements;

40. The proposed project is located in the Flood zone designated as a Shaded X one 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;
41. Any use of CSD-1 District sewer easements, which is not compatible or interferes with the construction, reconstruction, operation, maintenance, or repair of the District's sanitary sewer(s), shall not be allowed. Each proposed use shall be reviewed and approved in writing by the District Engineer prior to the use of the easement by the grantor which includes landscaping;
42. Developing this property may require the payment of sewer impact fees. Applicant should contact the Fee Quote desk at 876-6100 for sewer impact fee information.

**C. Special Permit:** The **Special Permit** to operate a **convenience market** within 500 feet of a residential use is approved subject to the following conditions of approval:

**C-1. Current Planning**

- a. Obtain all necessary building permits prior to construction.
- b. Development of this site shall be in compliance with the attached exhibits (Exhibits A through I).
- c. 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.
- d. Prior to the issuance of the certificate of occupancy for the convenience market/gas station/quick service restaurant/car wash, the nearby sit down restaurant (building 1) must be constructed and ready for occupancy and the infrastructure for the remaining buildings (buildings 2, 3, and 4) and landscaping along Franklin Boulevard and Mack Road shall be constructed and in place.
- e. The hours of operation of the convenience market/gas station/car wash shall be no earlier than 5 a.m. and no later than 11 p.m., seven days a week.
- f. The sale of beer and wine beverages is restricted to between the hours of 10 a.m. and 9 p.m., seven days a week.
- g. 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.

- h. The applicant or owner/operator of this business shall operate and maintain closed circuit television camera(s) to provide surveillance outside the building.
- i. 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.
- j. 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.
- k. 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.
- l. The applicant shall submit a Master Signage Program 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 permits. The sign program shall be reviewed by both the Planning and Building divisions for conformance and compatibility with the project.
- m. All signage shall comply with the City of Sacramento's Sign Ordinance.
- n. No monument sign shall exceed 8' in height. All monument signs shall be ten feet away from the ultimate right-of-way as well as out of the line of sight triangle as defined by the Development Engineering Division.
- o. The applicant shall institute a "Good Neighbor Policy" by, at a minimum, preparing and sending a notice to property owners indicating the operators of the convenience market, hours of operation and, address and phone number of persons(s) to contact if concerns arise regarding the operation of the store. The notice shall be sent to property owners within a 500 foot radius of the site, applicable neighborhood associations, City Council District offices within a 500 foot radius and Development Services Department-Planning Division prior to opening of the convenience store. The applicant shall also have clearly posted on the site contact numbers that can be read from outside the store.

#### **C-2 Police Department**

- a. The applicant shall contract with a reputable private uniformed security

company that is on the approved City list. A security guard shall patrol the site during hours when alcoholic beverages are sold. The police department reserves the right to increase the minimum number of security guards without further public hearings, should criminal or neighborhood nuisance activity warrant it.

- b. The following security standards shall be incorporated into the interior design of the building:
  - 1. The cashier station shall be raised to provide a noticeable height advantage to employees.
  - 2. The main cashier counter shall be equipped with at least one central station silent robbery alarm system and a telephone.
  - 3. 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.
  - 4. Cold boxes shall be equipped with an audible enunciator to alert employees when the doors are opened.
  - 5. The facility shall be equipped with UL approved drop safes. Safes shall have a minimum rating of TL-15 or class "C".
  - 6. Signs shall be prominently posted stating that employees do not have access to the safe.
  - 7. Height markers which display height measures are required at the entrance of the business.
- c. The applicant shall be required to install:
  - 1. Closed-circuit color video cameras to monitor all cash registers, entrances, dining areas, restroom doors, drive thru area, parking lots and safes.
  - 2. Television style monitors for the cameras. One monitor shall be mounted in a visible location near the entrance so that patrons can clearly see their activities are being monitored when they come through the front door. Another monitor shall be mounted in staff areas so that management staff can monitor what the cameras see.
  - 3. A digital video recorder (DVR) capable of storing a minimum of 7 days worth of activity. A DVR capable of storing 30 days worth of

activity is preferable. The DVR must be kept in a secured area that is accessible only to management.

- d. Employees must be trained in the use of the video equipment and the equipment must be accessible so that video can be given to the police department's crime scene investigators in a timely manner, typically within an hour, if a crime occurs.
- e. Store windows shall be left unobstructed by either signs and/or display racks, shelving, and merchandise in order to allow viewing of the interior of the business by patrolling police.
- f. Signs shall be clearly posted and maintained on the premises prohibiting consumption of alcoholic beverages in the business or in the parking area. The signs shall be worded as follows:

UNLAWFUL TO ENTER, BE OR REMAIN ON THESE PREMISES,  
ADJACENT PARKING LOT OR ADJACENT PUBLIC SIDEWALK  
WITH AN OPEN ALCOHOLIC BEVERAGE CONTAINER. P.C.  
647e

Lettering to be block style and a minimum of 2 ½ inches in height. Signs will be clearly visible to the patrons of the business parking lot and to person on the public sidewalk.

- g. 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.
- h. Applicant shall work with the (North, 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 operators'/owners' agreement to prosecute.
- i. No public pay telephone shall be maintained on the exterior of the premises.
- j. The licensee shall be responsible for maintaining the area adjacent to the premises free of litter.
- k. There shall be no video/arcade machines maintained upon the premises at any time.
- l. The proprietor or his agent is responsible for reasonably controlling the

conduct of persons on or immediately adjacent to the site and shall control behavior and noise, immediately disperse loiterers, and prevent nuisance or unreasonable interference with adjacent properties.

- m. All illegal activities observed on or around the business shall be promptly reported to the police department.

**D. Special Permit:** The Special Permit to allow the sale of **beer and wine** at a convenience market for off-site consumption is approved subject to the following conditions of approval:

**D-1. Police Department**

- a. If problems arise and the City receives excessive complaints or significant negative and/or criminal activity occurs, the City reserves the right to revoke the Special Use Permit. This determination will be subject Section 17.212.080 of the City Zoning Code (Revocation of a Special Permit).
- b. The applicant shall contract with a reputable private uniformed security company that is on the approved City list. A security guard shall patrol the site during hours when alcoholic beverages are sold. The police department reserves the right to increase the minimum number of security guards without further public hearings, should criminal or neighborhood nuisance activity warrant it.
- c. The alcoholic beverage licensee shall apply for and obtain a Letter of Public Convenience and Necessity as required by Alcoholic Beverage Control.
- d. Beer and/or malt beverages shall not be sold in single containers containing 40-ounces or less. At no time shall a single unit be sold individually or in conjunction with another brand/size container of beer and/or malt beverage to constitute a six-pack or larger quantity.
- e. Wine coolers shall not be sold in quantities of less than a factory four-pack.
- f. The sale of wine shall be in bottles or containers no smaller than 750 milliliters, except for wine-based coolers.
- g. The sale of alcohol shall be limited to beer and wine only, no hard liquor sales allowed.
- h. Sales of alcoholic beverages shall be permitted only between the hours of 10 a.m. and 9 p.m., seven days a week.

- i. Beer and wine sales shall be limited to 10% of the shelving area within the convenience market.
  - j. No advertising of beer or wine sales shall be allowed on exterior signs or window signs on the site.
  - k. The word beer, wine, or liquor shall not appear in the name or on any signs.
- E. Plan Review:** The **Plan Review** of a commercial mixed-use development within the Shopping Center International Plaza Planned Unit Development (SC-PUD) zone is approved subject to the following conditions of approval:

**E-1. Current Planning General Conditions:**

- a. The applicant shall obtain all necessary building permits prior to commencing construction.
- b. Prior to the issuance of the certificate of occupancy for the convenience market/gas station/quick service restaurant/ carwash the nearby sit down restaurant (building 1) must be constructed and ready for occupancy and, the infrastructure for the remaining buildings (buildings 2, 3, and 4) and landscaping along Franklin Boulevard and Mack Road shall be constructed and in place.
- c. Prior to issuance of any building permits, the applicant shall provide appropriate documentation indicating compliance with all mitigation measures a prescribed in the adopted Mitigation Monitoring Plan (Attachment 3, Exhibit A).
- d. The project shall substantially conform to the approved plans as shown on the attached exhibits and as conditioned to revise (Exhibits A through T). Any modification to the project shall be subject to review and approval by Planning staff (and may require additional entitlements) prior to the issuance of building permits.
- e. All mechanical equipment shall be screened. All rooftop mechanical and communications equipment shall be completely screened from view from public streets and the adjacent residences by the building parapet, and/or architectural projections that are integral to the building design.
- f. The applicant shall paint electrical meters/cabinets, telephone connection boxes, and other utility appurtenances to match the building to which they are attached.
- g. The daily business hours for the Franklin Point (excepting any sit down-type restaurant) shall be no earlier than 5 a.m. and no later than 11 p.m.,

seven days a week. Any sit-down restaurant shall be open no later than midnight.

- h. 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.
- i. The development shall comply with the International Plaza Design Guidelines, as amended with this project.
- j. A specially stamped pedestrian pathway providing connectivity throughout the interior of the project site shall be provided. The Site and Landscape plans shall include the pathway. Additionally, a gated pedestrian connection to the adjacent petite lot residential subdivision (Villa Terassa) shall be provided as shown on the Site Plan.
- k. The applicant/developer shall provide a Master Signage Program complete with graphics and text outlining the specific signage criteria for the Franklin Point project as a whole. The developer should initiate the signage review early in the plan review process.
- l. The Site and Landscape plans shall be revised and refined to enhance pedestrian connections and walkability throughout the site. Specific areas to be refined are between the convenience market and Franklin Blvd. and between the freestanding restaurant and the office buildings. This will involve the reduction of non-required parking spaces. The specific requirements are as follows:
  - 1. Revise the Site and Landscape plans to show an 8' wide concrete pedestrian path along the west side of Building 4, connecting Mack Road to the plaza area located at the southwest corner of Building 4.
  - 2. Revise the Landscape Plan and increase the number of street trees planted along both the Mack Road and the Franklin Blvd. frontage. If feasible, the spacing of the street trees should be 25' on-center. The revised plan shall be submitted to Current Planning, Development Engineering, and Urban Forest Services staff for review and approval prior to the issuance of the frontage improvement plans.
  - 3. The applicant shall revise, refine and embellish the Site and Landscape plans to show an increase in the landscape areas flanking the pedestrian paths connecting the convenience market to the sidewalk along Franklin Blvd and connecting the restaurant and the medical office building as well as throughout the center. A minimum of seven (7) of the proposed parking spaces, as shown on the Site Plan, flanking the paths shall be converted to landscaping, providing a more

pleasant pedestrian connection. The applicant shall also revise the pedestrian pathway between Buildings 1 and 2 (restaurant and medical office building) by straightening the pathway's dogleg jog so a straight connection is provided between the two buildings and adding additional landscaping including trees.

The revisions shall be indicated on both the Site and Landscape plans and shall be reviewed and approved by Current Planning, Development Engineering, and Urban Forest staff prior to the issuance of the off-site building permit(s) for frontage improvements construction along Franklin Blvd.

- m. The minimum number of parking spaces required on-site shall also be the maximum number. The required number of parking spaces shall be based upon the proposed land uses' parking requirement for the site. The minimum number of parking spaces required is 216 spaces if Building 2, with 7,200 sq. ft. is medical office and Building 3 is standard office as shown on the Site Plan. The required number of parking spaces if all the office area is designated for medical use is 224 spaces. The Site Plan shall be revised to reflect this reduction of parking and reviewed and approved by Current Planning, Development Engineering, and Urban Forest staff prior to the issuance of any on-site building permits.

**E-2. Landscaping: if current planning and urban forest services landscaping conditions conflict, urban forest services conditions take precedence.**

- a. Landscaping plans shall be submitted to the Building Division - Site Conditions Unit for review and approval by the 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.
- b. 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.
- c. Prior to issuance of building permits, submit to Planning-Site Design group for review and approval landscape plans exhibiting the following criteria: Twenty-five percent of the trees shall be a minimum 24" box size; the remaining trees shall be a minimum 15 gal. container size. A mix of shrubbery and groundcover shall be planted and maintained throughout the center. Drought tolerant groundcover shall be planted to cover all planter soil areas within 2 years of installation. All landscape areas shall have automatic irrigation installed and operational.

- d. Adequate spacing shall be provided between the trees to allow the trees to obtain full maturity growth potential. All landscaped area soil surfaces shall be covered with living groundcover within two years of installation. If groundcover is contraindicated beneath the trees a covering 6" deep with mulch shall be applied and maintained in perpetuity beneath and around the trees to an average diameter of six feet around the base of each tree.
- e. The project shall comply with the fifty percent shading requirement (Section 17.64.030(H) of the Zoning Code) for all parking and maneuvering areas and drive-through lane(s), provide planters with a minimum inside width of 8-feet, be fully automatically irrigated and landscape with a mix of at least six different (minimum 15 gallon size) tree types (genera) throughout the required shading area (staff recommends the landscaping plan include no more than 20 percent oak trees). All planter soil surfaces shall be covered with living groundcover within two years of installation unless contraindicated by the Urban Forest staff. All "finger planters" must maintain a minimum inside width dimension (without curb) of 7-feet, be fully automatically irrigated, and enclosed with 6" concrete curbing on all sides.
- f. Details of the outdoor furniture and accessories shall be provided the planning director for review and approval prior to the issuance of building permits. For example, trash containers and metal benches, bicycle racks, to name some but not all outdoor furniture and accessories. All outdoor furniture shall be installed prior to the issuance of any certificate of occupancy.
- g. 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;
- h. All landscaping shall be maintained so that ground cover plants and shrubs do not exceed a maximum height of thirty inches (30") except where climbing vines are indicated; and tree limbs shall be trimmed (at maturity) so that they hang no lower than six feet (6') above grade level at maturity.

### **E-3. Fencing:**

- a. The placement of walls, gates/openings, fencing and the vehicular access points shall conform to the site plan. Any modifications may require additional staff review and/or a Plan Review modification.
- b. A decorative 8' tall decorative split-face masonry wall shall be constructed along the western and southern property lines separating the commercial

and residential uses. Prior to wall construction, details of the wall, including the cap, pilasters, interspersed at  $\pm 70$  foot intervals, and of the 8' tall, decorative split-face masonry block wall and footer(s) shall be submitted to the Planning Director and structural engineering for review and approval. No final certificate of occupancy shall be issued for any building within the center prior to the completion of the wall along both the western and southern property lines.

#### **E-4. Trash Enclosures:**

- a. Trash enclosures shall be constructed of concrete block or similar masonry material and finished with stucco that is compatible in color and texture to the buildings' facades;
- b. The trash enclosure structure shall have heavy gauge metal gates and designed with cane bolts on the doors to secure the gates when in the open position. The hinges shall be sufficient in size, strength, and number to adequately support the metal gates;
- c. The trash enclosure and recycling enclosure (if separate) facility shall be designed to allow walk-in access without having to open the main enclosure gates.
- d. The trash enclosure shall be screened with landscaping, including a combination of shrubs and/or climbing evergreen vines and shall be automatically irrigated.

#### **E-5. Exterior Lighting:**

- a. Lighting fixtures shall be of a high quality decorative design, having a color and style, which is compatible with the building architecture, as determined by the Planning Director.
- b. Lighting shall be designed so as not to produce hazardous and/or annoying glare to motorists and building occupants, adjacent residents, or the general public.
- c. Each building address number shall be illuminated;
- d. The height of pole mounted light fixtures shall be a mix of fixtures between 14' and 18' in height. No more than 50 percent of the light fixtures shall be 18' in height and no less than 50 percent of the fixtures shall be 14' in height.
- e. 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.

**E-6. Parking:**

- a. Prior to the issuance of the Certificate of Occupancy, the applicant shall distribute at regular intervals-5-6 Class I bicycle parking spaces as shown on the Site and Landscape plans. A minimum of six (6) Class II, and/or III bicycle parking spaces placed in secure, well lit areas near building entrances throughout the marketplace shall be added to the Site and Landscape plans and shall be installed prior to the issuance of the Certificate of Occupancy for the building by which the parking spaces will be added. Bicycle parking requirements are tied to the number of parking spaces required so either 10 or 11 spaces are required, depending upon the office uses proposed.

**E-7. Signage:**

- a. The applicant shall submit a Master Signage Program 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 permits. The sign program shall be reviewed by both the Planning and Building divisions for conformance and compatibility with the project.
- b. All signage shall comply with the City of Sacramento's Sign Ordinance.
- c. No monument sign shall exceed 8' in height. All monument signs shall be ten feet away from the ultimate right-of-way as well as out of the line of sight triangle as defined by the Development Engineering Division.

**E-8. Maintenance and Security**

- a. Decorative planting shall be maintained so as not to obstruct or diminish lighting level throughout the project. Landscaping shall not obscure common areas;
- b. Parking spaces shall be steam cleaned a minimum of twice per year.

- c. 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.
- d. Owner/Operator shall conduct periodic inspections and repairs, as needed not less than monthly, of the exterior of all buildings, trash enclosures and walls/fences.
- e. 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.
- f. Owner/Operator shall maintain landscaping and irrigation in a healthy and serviceable condition.
- g. Owner/Operator shall indicate and maintain the location of the parking stall for handicapped/disabled access and strictly enforce rules related thereto.
- h. 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](http://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.

#### **E-9. Development Engineering**

- a. Construct standard subdivision improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Development Engineering Division. Improvements required shall be determined by the city. Any public improvement not specifically noted in these conditions or on the Tentative Map 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 Development Engineering Division;
- b. This project may require street lighting. There is an existing street lighting system in this project area. Improvements of right-of-way may require modification to the existing system. Electrical equipment shall be protected and remain functional during construction;
  - c. Dedicate sufficient right-of-way and construct full frontage improvements along Franklin Boulevard consistent with the City's 4-lane arterial standards (99-foot R/w) with separated sidewalks to the satisfaction of the Development Engineering Division;
  - d. Dedicate sufficient right-of-way and construct a right-turn lane at the proposed driveway along Franklin Boulevard to the satisfaction of the Development Engineering Division. The right turn lane design shall be per the site plan dated January 10<sup>th</sup>, 2008 or to the satisfaction of the Department of Transportation;
  - e. Dedicate sufficient right-of-way and construct a right-turn lane at the proposed driveway along Mack Road per City standards and to the satisfaction of the Development Engineering Division;
  - f. The design and placement of walls, fences, signs and Landscaping 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. The area of exclusion shall be determined by the Development Engineering Division;
  - g. All right-of-way and street improvement transitions that result from changing the right-of-way of any street shall be located, designed and constructed to the satisfaction of the Development Engineering Division and the Department Of Transportation. The center lines of such streets shall be aligned;
  - h. Construct A.D.A. compliant ramps at the south-west corner of the intersection of Mack Road and Franklin Boulevard per City standards and to the satisfaction of the Development Engineering Division;
  - i. The applicant shall make provisions for bus stops, shelters, transit centers, etc. to the satisfaction of Regional Transit;

- j. Form an Owners Association. CC&R's shall be approved by the City and recorded assuring maintenance of private drives. The Owner's Association shall maintain all private drives, lights, common landscaping and common areas;
- k. All new driveways shall be designed and constructed to City Standards to the satisfaction of the Development Engineering Division;
- l. The site plan shall conform to A.D.A. requirements in all respects;
- m. The site plan shall conform to the parking requirements set forth in chapter 17 of City Code (Zoning Ordinance);

#### **E-10. Utilities**

The following are conditions for the **Plan Review** to develop a commercial mixed-use development within the Shopping Center International Plaza Planned Unit Development (SC-PUD) zone that shall be approved by the Department of Utilities prior to issuance of a building permit:

- a. Per City Code 13.04.070 and the Department current Tap Policy, commercial lots may have more than one 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 12" water main in Mack Road. There are also existing 8", 12", 18" and 36" water mains in Franklin Blvd. No connection is allowed to the existing 18" and 36" water transmission main in Franklin Blvd. A water main extension from the existing 12" adjacent to the project site in Franklin Blvd may be required if service connection to the existing 8" further east of the site in Franklin Blvd is not desirable for Building 1.)
- b. Multiple fire services are allowed per parcel and may be required.
- c. All water connections shall comply with the City of Sacramento's Cross Connection Control Policy.
- d. All onsite water and storm drain facilities shall be private facilities maintained by the property owners.
- e. 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.
- f. Each parcel shall have a separate, metered irrigation service; or provided that an owner or entity possessing an easement or other property right

authorizing a common irrigation service for multiple parcels may request a common irrigation service for such parcels, and the DOU may, in its sole discretion, approve a Utility Service Agreement to provide a common irrigation service, on such terms and conditions as may be determined by the DOU.

- g. The applicant shall enter into and record an Agreement for Conveyance of Easements with the City, in a form acceptable to the City Attorney, requiring that private easements be granted, as needed for water and drainage at no cost at the time of sale or other conveyance of any lot. A note stating the following shall be placed on the Final Map: "The lots created by this map shall be developed in accordance with recorded agreement for conveyance of easements in Book\_\_\_\_, O.R. Page\_\_\_\_."
- h. The proposed development is located within County Sanitation District 1 (CSD1). Satisfy all CSD1 requirements.
- i. An on-site surface drainage system is required and shall be connected to the street drainage by means of a storm drain service tap. An on-site drainage study and shed map is required. This study and shed map shall be 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. 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).
- j. Prior to the submittal of improvement plans, a project specific drainage study and shed map as described in section 11.7 of the City Design and Procedures Manual shall be approved by the Department of Utilities (DOU). The applicant shall coordinate the drainage study with the approved drainage study for Villa Terrassa (P03-132). The on-site storm drain system shall be sized per the latest infill design standards. Contact the Department of Utilities for the design criteria. On-site detention storage will most likely be required. A SWMM model (Storm Water Management Model) will be required to size the detention facility and storm drain pipes. Finished floor elevations shall be a minimum of 1.7 feet above the 100-year HGL and 1.5 feet above the controlling overland release elevation and approved by the Department of Utilities.
- k. The applicant shall enter into and record an Agreement for Maintenance of drainage facilities within the project, in a form acceptable to the DOU and the City Attorney, that (1) requires the applicant to properly maintain and repair the private drainage facility, (2) authorizes the DOU to perform such maintenance or repair if the DOU determines at any time that such

maintenance or repair is necessary for the drainage facility to function properly, and (3) requires the applicant to pay all costs incurred by the DOU to perform such maintenance or repair, and imposes a lien on applicants property if the applicant fails to pay such costs.

- l. 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.
- m. 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.
- n. 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.
- o. The applicant 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](http://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.
- p. Post construction, storm water quality control measures shall be

incorporated into the development and fueling area to minimize the increase of urban runoff pollution caused by development of the area and non-storm water discharges. Both source controls and on-site treatment control measures are required. Storm drain message is required at all drain inlets. **On-site treatment control measures may affect site design and site configuration and therefore, should be considered during the early planning stages.** Improvement plans must include both the source controls and on-site treatment control measures selected for the site. Refer to the "Guidance Manual for On-site Storm water Quality Design Manual" dated May 2007 for appropriate source control and onsite treatment control measures.

#### Utilities Advisory Notes for the **Plan Review**:

- q. 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.
- r. City Code 13.04.570 requires that no fire service shall be installed across any parcel other than the parcel to which the services is being furnished, provided that the fire chief may in his or her discretion, authorize a fire service line that serves more than one parcel, upon the recording of an agreement, in a form approved by the City, that fully provides for the operation, maintenance and repair of the line, and grants a permanent easement for these purposes, at no cost or liability to the City.
- s. The proposed project is located in the Flood zone designated as a Shaded X zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that have been revised by a letter of Map Revision effective February 18, 2005. Within the Shaded X zone, there are no requirements to elevate or flood proof

#### **E-11. Fire Department**

- a. 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.
- b. 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.

- c. Provide a water flow test. (Make arrangements at the Downtown Permit Center's walk-in counter: New City Hall, 3<sup>rd</sup> Flr, 915 I St. OR the North Permit Center's walk-in counter: 300 Richards Blvd., Sacramento, CA 95814)
- d. The furthest projection of the exterior wall of a building shall be accessible from within 150 ft of an approved Fire Department access road and water supply as measured by an unobstructed route around the exterior of the building. (CFC 503.1.1)
- e. Provide appropriate Knox access for site.
- f. 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.
- g. 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. *City Code that will provide Amendments to Article 9, Section 903, is forthcoming.*
- h. 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.

## **E-12. Police Department**

### **A. Site Plan**

- 1. A security person shall be provided to patrol the project after normal working hours during all phases of construction as necessary.
- 2. Security lighting shall be provided to illuminate vulnerable equipment and materials.
  - A. Lighting shall be at a level to allow adequate visibility of the presence of any person on or about the site during hours of darkness.
- 3. Trash dumpsters and enclosures shall not create blind spots or hiding places and should be clearly visible and well lit.
  - A. All dumpsters shall be kept locked.

### **B. Lighting**

- 1. Parking areas and secured tenant access/driveways shall be illuminated with high intensity discharge lighting with sufficient lumens to provide adequate illumination to:

- A. Provide a safe, secure environment for persons, property, and vehicles.
- B. Lighting shall be equipped with vandal-resistant covers and photocell control.
- C. A minimum illumination intensity of 1.5 foot-candles per square foot at 6-18 inches above the surface to discourage loiters and others seeking to use those locations for criminal or mischievous purposes.

C. Landscaping

Landscaping shall not create blind spots or hiding spots and should be situated in locations that maximize observation while still providing the desired degree of aesthetics. Landscaped areas shall be planned for maximum growth while at the same time providing unobstructed observation of buildings, parking areas, and walkways, day and night. The following guidelines are recommended:

1. Groundcover plants, including perennial and annual wildflowers, should be used within five feet (5') of the edge of walkways and areas requiring visual surveillance.
2. Groundcover plants should not exceed a height of two feet (2') at maturity in order to allow for adequate natural surveillance.
3. Shrubs should be placed five feet (5') from the edge of walkways requiring natural surveillance and should not be placed within five feet (5') of any fire hydrant or cluster-type postal receptacle.
4. The height of shrubs should not exceed three (3') feet at maturity. Shrubs that exceed a height of three feet (3') due to natural growth are not recommended with the exception of security-planting materials utilized as barrier plants.
5. Security-planting materials are recommended along property lines and under vulnerable windows throughout landscaped areas.
6. Security-planting materials containing thorns or needles, or those dense in structure may exceed three feet (3') and should be used adjacent to perimeter walls, fences and other walls where desirable to discourage pedestrian cut-through-traffic.
7. Landscaping rock such as river rock and other masonry material (such as brick) that are normally used for landscaping accents or borders, frequently lend themselves for use as weapons and/or tools for the

commission of crimes. When river-rock and other masonry materials are used, the material should be grouted to prevent removal by hand. River rock should be grouted so that only one-third (1/3) of the rock is exposed above ground

8. Landscaping should not cover any exterior doors or windows; block or screen the visibility of building address numbers from a public or internal street; block or screen the view of any seated driver from oncoming vehicles or pedestrians at driveways.
9. Trees of an appropriate number, size and species are encouraged throughout landscaped areas and shall be maintained at a minimum distance of eight feet (8') from the lowest branch to the ground.
10. The use of trees, maintained at a minimum distance of eight feet (8') from the lowest branch to the ground, may also be used in such areas to provide shade for pedestrians.
11. Trees shall be placed as not to inhibit the light pattern of electroliers.
12. A minimum distance of fifteen (15) feet from the fixture shall be maintained when planting trees in order to meet required illumination levels.

D. Commercial Retail

1. The applicant shall install bicycle security racks at the front of the businesses.
  2. Public entrances should be clearly defined by walkways and signage and should be observable by as many people as possible.
  3. Business rules shall be posted in the business interior in a conspicuous place.
  4. Street-level Store / Restaurant windows shall be left unobstructed by signage and/or display racks, shelving, and merchandise in order to allow viewing of the interior of the business by patrolling police.
  5. All exterior doors shall be provided with their own light source and shall be adequately illuminated at all hours to make clearly visible the presence of any person on or about the premises and provide adequate illumination for persons exiting the building.
- A. The premises, while closed for business after dark, must be sufficiently lighted by use of interior night-lights.

- B. Exterior door, perimeter, parking area, and canopy lights shall be controlled by photocell and shall be left on during hours of darkness or diminished lighting
6. All hallways, parking areas, and walkways shall be well lit.
- A. Walkways should be illuminated at a minimum intensity of 1.5 foot-candles per square foot at 6 to 18 inches above the surface.
  - B. Parking areas shall be illuminated at a minimum intensity of 1.0 foot-candle per square foot at 6 to 18 inches above the surface and should be observable by as many people as possible.
    - 1) Front and rear parking areas should be visible from windows.
    - 2) Tire stops shall be installed in all parking spaces that do not overhang a 6-foot wide landscape or sidewalk area.
    - 3) Handicapped spaces shall be clearly marked and properly posted.
7. Windows and exterior doors should be visible from the street or passersby.
- A. Windows should be located on all facades where possible.
  - B. Window signage shall not cover more than 25 percent of window surface.
  - C. Window signage shall allow a clear and unobstructed view from outside the building and in a normal line of sight of the cash register sales transaction area.
  - D. Windows shall not have tinting that reduces exterior or interior view in a normal line of sight.
8. The jamb on all aluminum-framed, swinging doors shall be so constructed or protected to withstand 1600 pounds of pressure in both a vertical distance of three inches and a horizontal distance of one inch each side of the strike.
9. Glass doors shall be secured with a deadbolt lock with a minimum throw of one inch. The outside ring should be free moving and case hardened.
10. Doors with glass panels and doors with glass panels adjacent to the door's frame shall be secured with burglary-resistant glazing or the equivalent, if double-cylinder deadbolt locks are not installed.
11. On pairs of doors, the active leaf shall be secured with the type of lock required for single doors in this section. The inactive leaf shall be equipped with automatic flush extension bolts protected by hardened material with a minimum throw of three-fourths inch at head and foot and shall have no doorknob or surface-mounted hardware. Multiple point locks, cylinder activated from the active leaf and satisfying the

requirements, may be used in lieu of flush-bolts.

12. Any single or pair of doors requiring locking at the bottom or top rail shall have locks with a minimum of one throw bolt at both the top and bottom rails.
13. Doors with panic bars will have vertical rod panic hardware with top and bottom latch bolts.
14. Employee/pedestrian doors shall be of solid core wood or hollow sheet metal with a minimum thickness 1-3/4 inches and shall be secured by a deadbolt lock with a minimum throw of one inch.
  - A. The following doors shall be addressed – all storage room doors, all office doors, connecting doors, and all exit doors not panic equipped.
    - 1) Outside hinges on all exterior doors shall be provided with non-removable pins when pin type hinges are used or shall be provided with hinge studs, to prevent removal of the door.
    - 2) Any rear door used to admit employees or deliveries shall be equipped with a 180 degree viewing device to screen persons before allowing entry.
    - 3) Any office containing a safe or will be used to count receipts shall be equipped with a 180 degree viewing device.
15. Outside hinges on all exterior doors shall be provided with non-removable pins when pin type hinges are used or shall be provided with hinge studs, to prevent removal of the door.
16. All hatchway openings on the roof of any building shall be secured as follows:
  - A. If the hatchway is of wooden material, it shall be covered on the outside with at least 16 gauge sheet steel or its equivalent attached with screws.
  - B. The hatchway shall be secured from the inside with a slide bar or slide bolts. The use of crossbar or padlock must be approved by the fire department.
  - C. Outside hinges on all hatchway openings shall be provided with non-removable pins when using pin-type hinges.
17. All air duct or air vent openings exceeding 8" x 12" on the roof or exterior walls of any building shall be secured by covering the same with either of the following:

- A. Iron bars of at least ½” round or one by one-fourth inch flat steel material, spaced no more than five inches apart and securely fastened.
  - B. A steel grill of at least 1/8” material or two inch mesh and securely fastened.
  - C. If the barrier is on the outside, it shall be secured with galvanized rounded head flush bolts of at least 3/8” diameter on the outside.
18. The applicant shall be responsible for the daily removal of all litter generated by the business, from the subject site, adjacent properties and streets.
19. Rear alleys/access shall also display a street number in a prominent location on the alley side in such a position that the number is easily visible from within the alley. Numerals shall be a minimum of five inches (5”) high and contrasting in color.
20. Commercial establishments having one hundred dollars or more in cash on the premises after closing hours shall lock such money in an approved type money safe with a minimum rating of TL-15 or class “C”.
- A. The cash on hand in the registers shall be limited, and frequent drops into the safe should be made.
  - B. The safe should be equipped with duress alarm capability.
  - C. The cash register area should be covered by a CCTV system with a recorder.
  - D. Any vending machines installed on the site shall be emptied of money daily and a sign posted to indicate this provision.
21. Closed-circuit television cameras shall be employed to monitor high-risk areas in case of robbery or other serious felony. Additional cameras shall monitor other areas of the property, such as other ground-floor entry doors, if access is not limited to the front entry after dark and any vending area lacking direct surveillance.
22. In order to limit the potential for this site to become an attractive location for loitering and other inappropriate or illegal behavior, the Police Department:
- A. Requires adequate signage be installed prohibiting trespassing, loitering, and noise in accordance with Section 602(k) of the California Penal Code and Section 9.16.140 of the Sacramento City Code.
    - 1) The property should be posted for “No Trespassing” and sign an agreement with the Police Department to prosecute all violators.
    - 2) This agreement shall be kept on file on the premises and in the Police Department.

- B. Requires that no public pay telephones shall be installed on the exterior of the premises.
- 23. All illegal activities observed on or around the business shall be promptly reported to the Police Department.

**E-13. Regional Transit**

- a. 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.
- b. Transit information shall be displayed in a prominent location for employees and customers.
- c. The developer shall join the Sacramento TMA.

**E-14. Solid Waste Division**

- a. The required recycling and solid waste capacities shall be met or exceeded.
- b. 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.
- c. 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.

**E-15. Parks and Recreation Department**

**ADVISORY NOTE**

- 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 \$14,855. This is based on 15,000 sq. ft at the office rate of \$.46 per sq. ft.; and, 23,396 sq. ft. at the retail rate of \$.34 per sq. ft. Any change in these factors will change the amount of the PIF due. The fee is calculated using factors at the time that the project is submitted for building permit.

## E-16. Urban Forest Services Division

### Irrigation:

- a. All trees are to be irrigated on a non-turf station by a minimum of two pop-up heads w/3' radius nozzles installed 30" to 40" from center trunk line. Other irrigation designs may be pending City Landscape Architecture and UFS review.
- b. Irrigation plan shall be reviewed and approved by UFS prior to installation.

### Planting notes:

- c. All trees are to be planted in a gradual mound 2" to 3" higher than the surrounding grade and mulched w/ wood chips (playground fiber or coarser) to a depth of approximately 3".
- d. No turf, groundcover or shrubs may be planted within 3' of any tree trunk, (landscape plan shall depict header board or concrete mow strip to create a 6'x 6' or larger break for any tree planted in turf).

### Site Specific Comments (Landscape Plan)

- e. Ensure that all conditions are met with regards to irrigation, turf removal and planting pit areas in regards to using mulch. This condition is critical to the survival and vigor of trees and will decrease maintenance cost for the applicant.

### Tree Species Selection

- f. The use of Chinese Elm (*Ulmus parvifolia*) will not be permitted on the outer planting strip along Franklin Blvd. and Meadowview Road. The use of elm species is permitted, but **conditioned to** disease resistant varieties. We recommend using a Bosque Elm (*Ulmus parvifolia*) 'UPMTF' PP 11295.

### Planter Size

- g. Planters of no less than 8 ft wide shall be used in the parking lot areas throughout the project wherever trees are proposed to be planted.





Exhibit C - Revised Site Plan

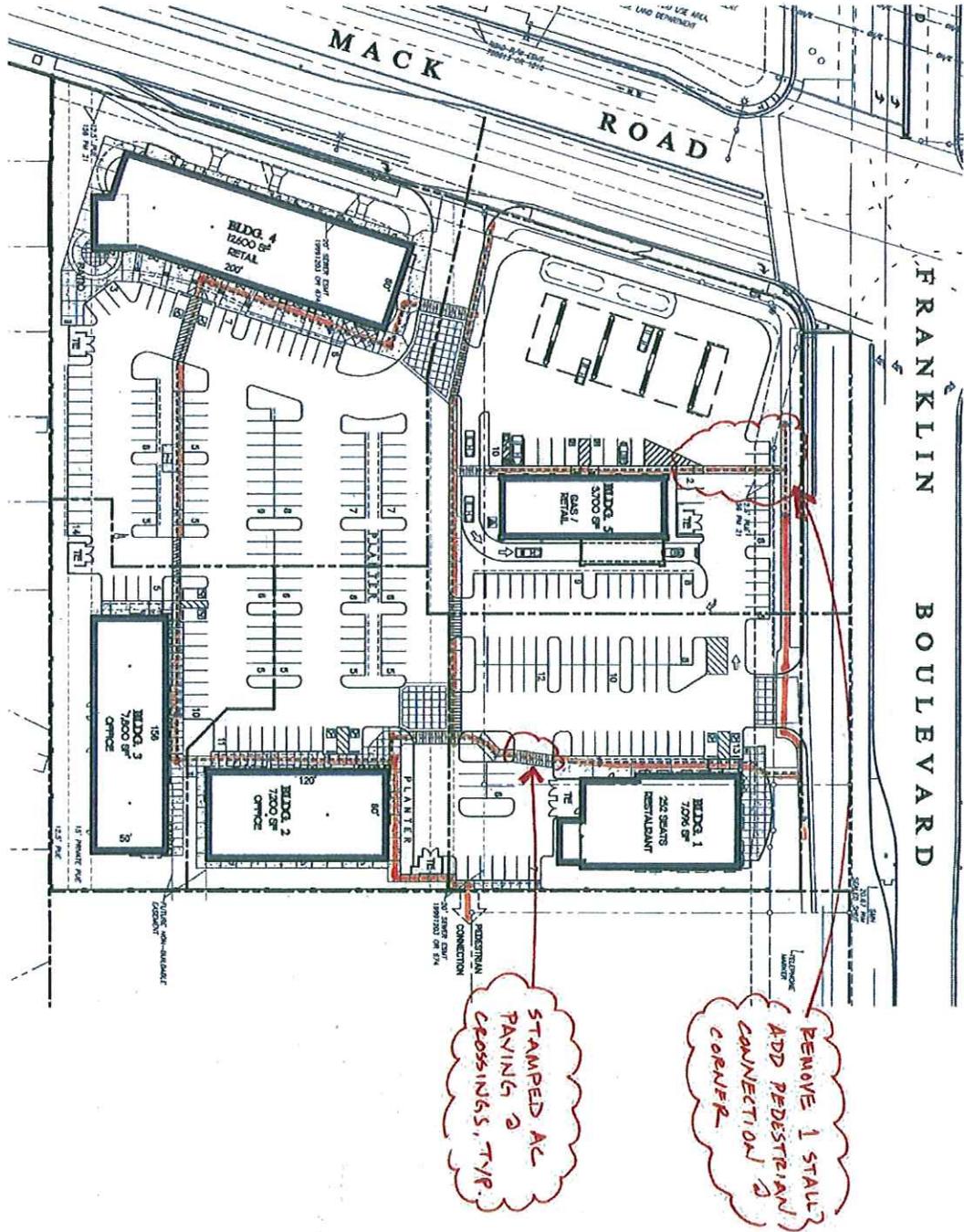


Exhibit D - Front and Side Elevations



Exhibit E - Rear and Side Elevations

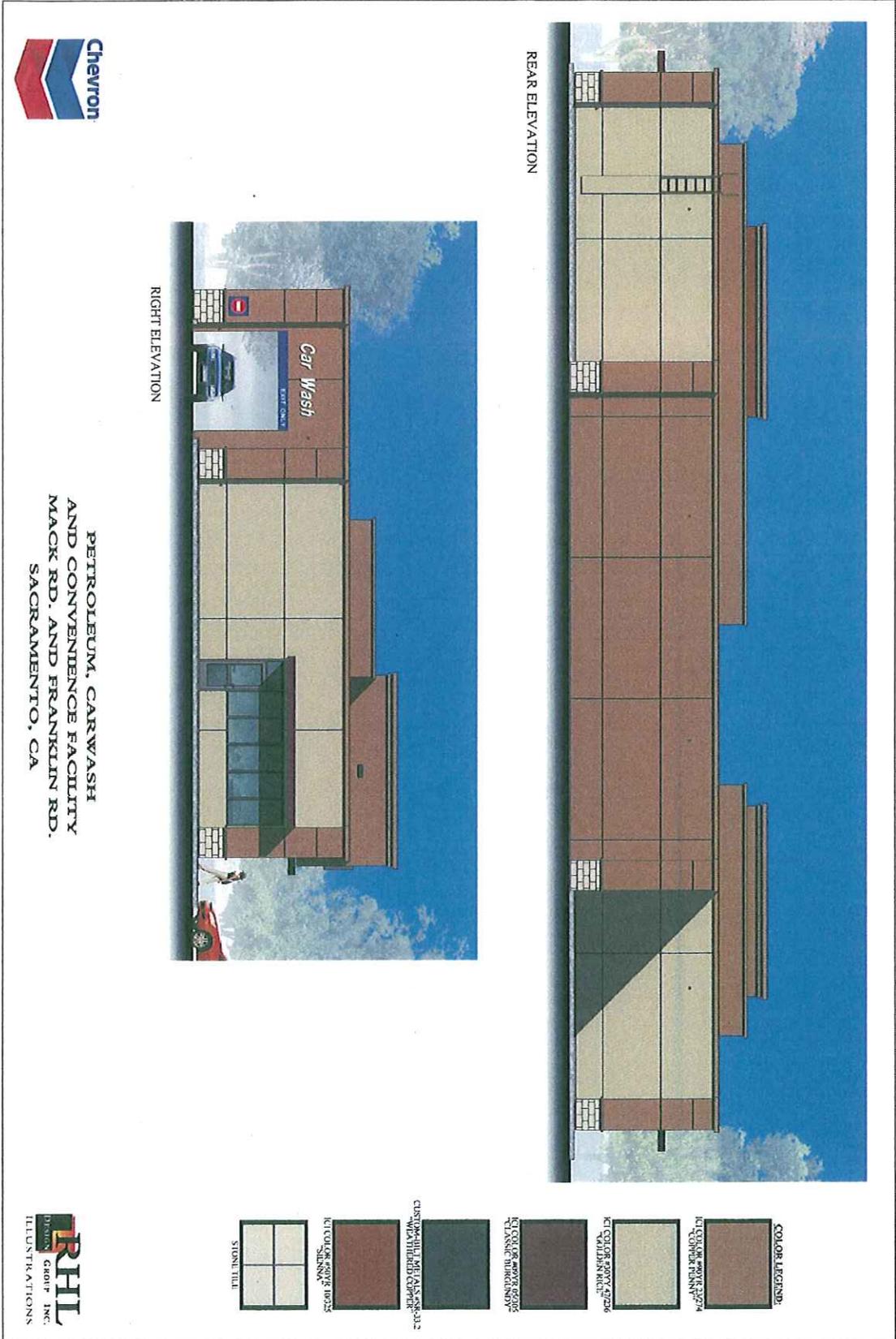


Exhibit F - Floor Plan

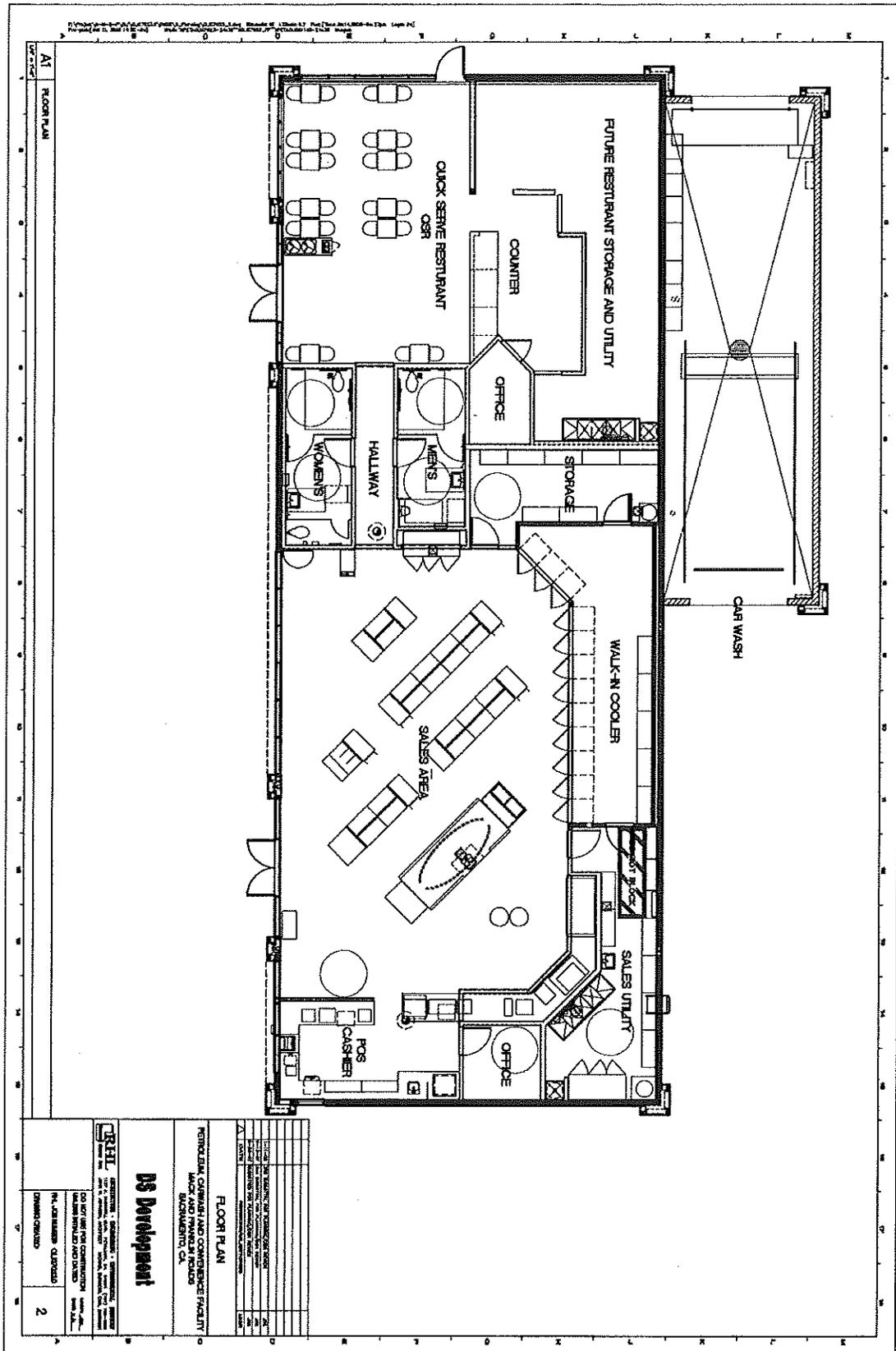


Exhibit G - Canopy Elevations

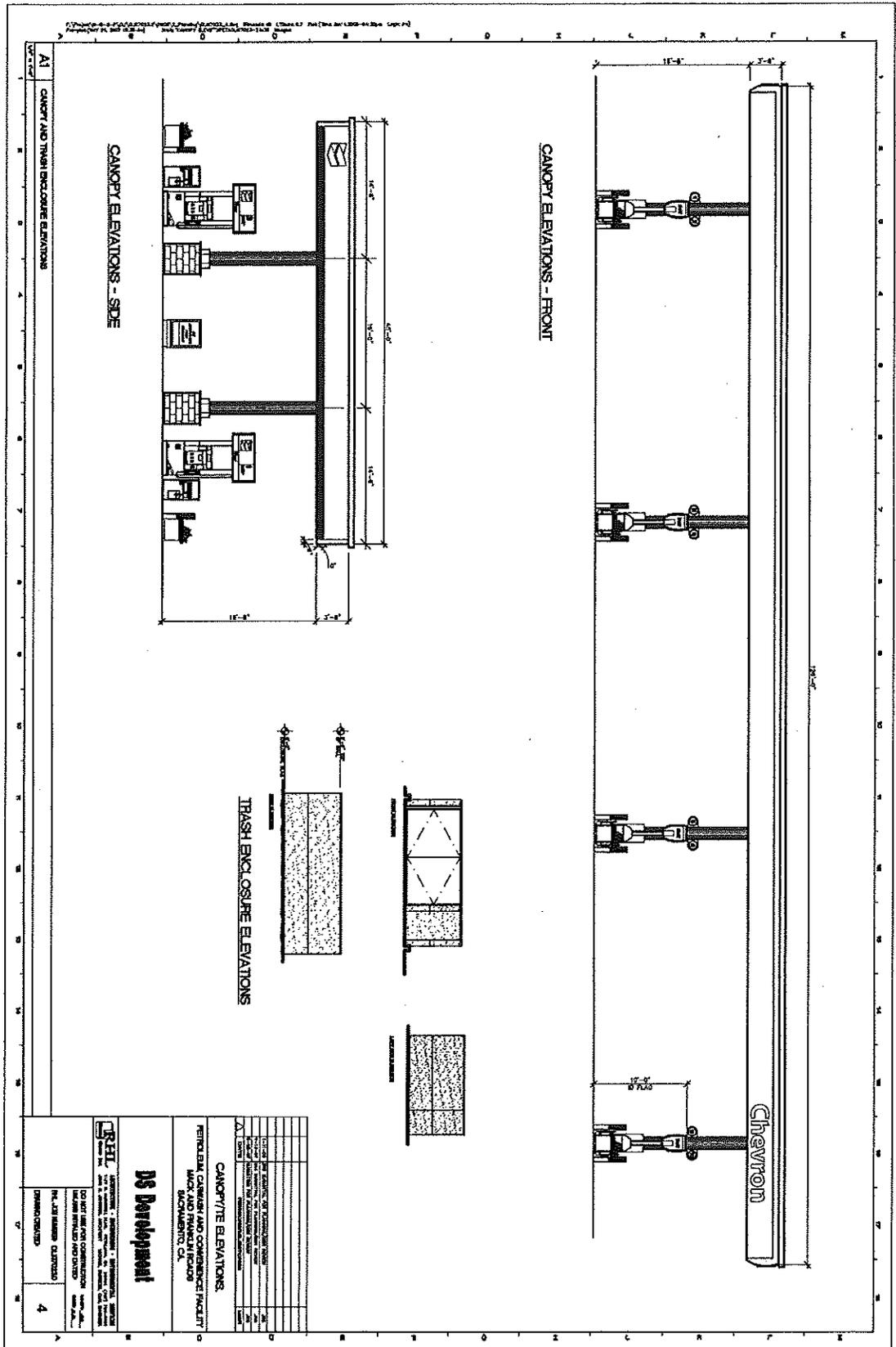


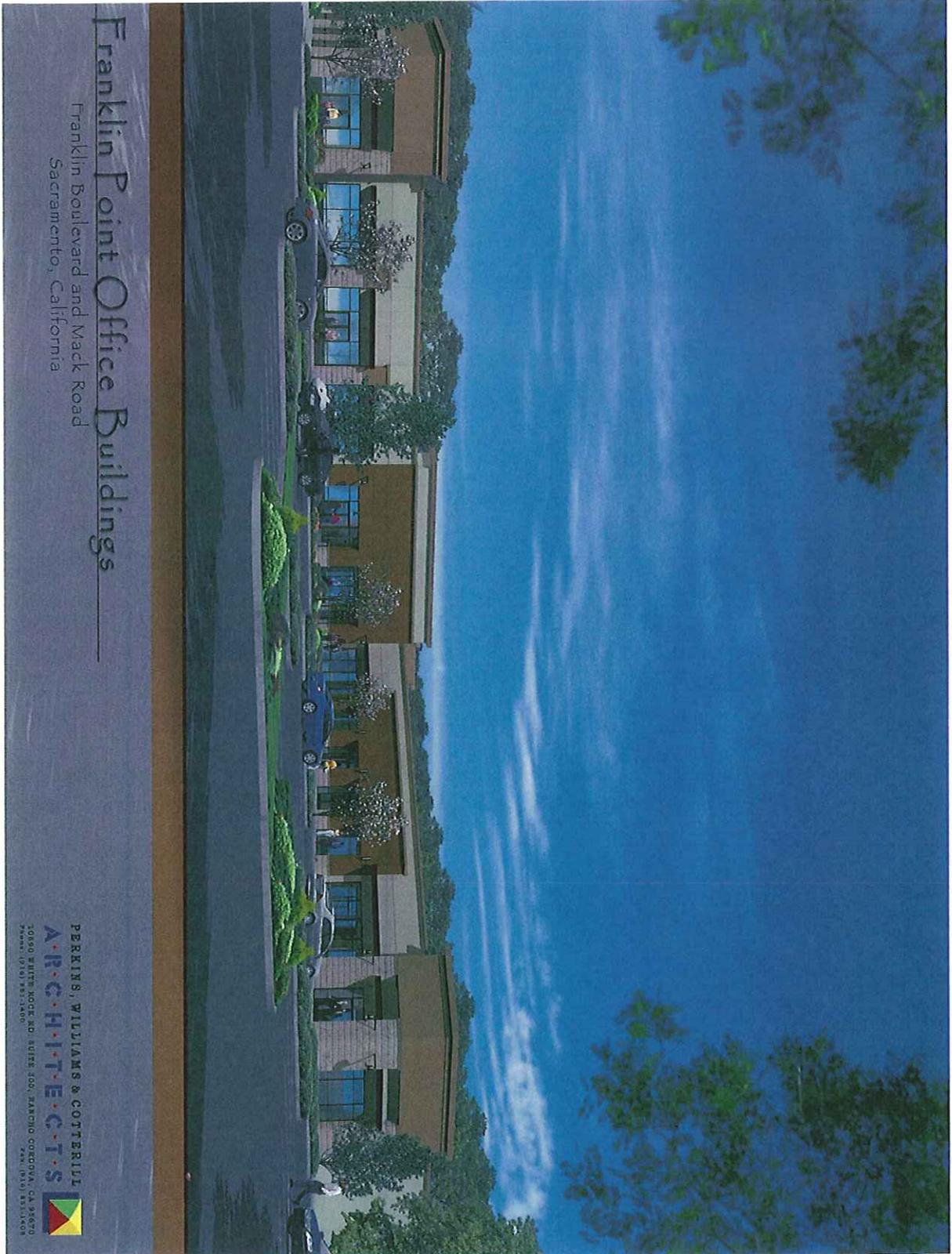








Exhibit L - Office Buildings 2 and 3 Rendering



Franklin Point Office Buildings

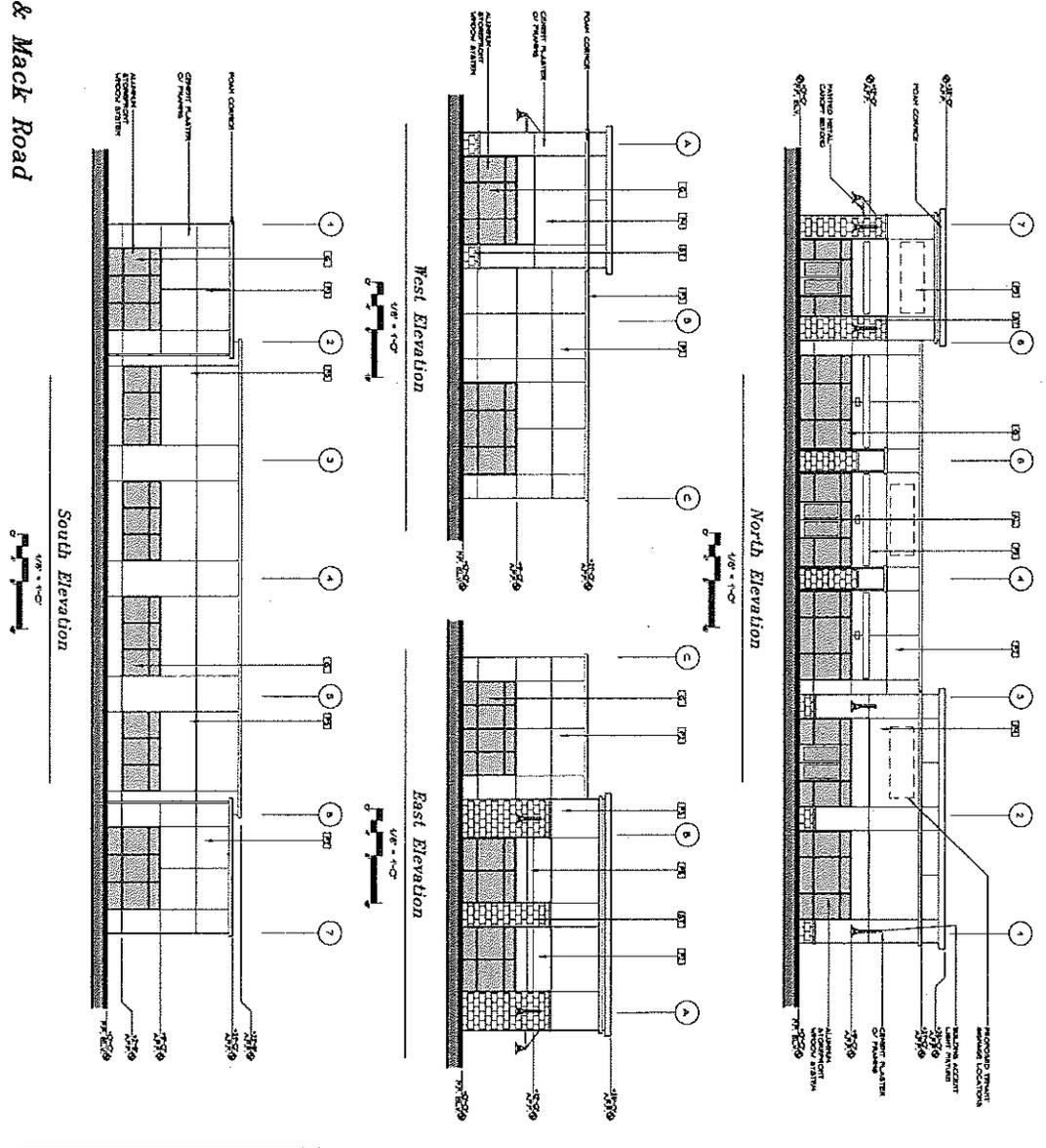
Franklin Boulevard and Mack Road  
Sacramento, California

PERKINS, WILLIAMS & COTTERILL  
A.R.C.H.I.T.E.C.T.S.  
10850 WHITE ROCK RD. SUITE 300, RANCHO DOWNEY, CA 91760  
Phone: (714) 951-2400



Exhibit M - Building 2 Elevations

Franklin Blvd. & Mack Road  
Sacramento, California



COLOR SCHEDULE	
001	VI FINE YELLOW ROSE
002	VI 1/2 BOLD ROSE
003	VI 1/2 BOLD ROSE
004	VI 1/2 BOLD ROSE
005	VI 1/2 BOLD ROSE
006	VI 1/2 BOLD ROSE
007	VI 1/2 BOLD ROSE
008	VI 1/2 BOLD ROSE
009	VI 1/2 BOLD ROSE
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042	VI 1/2 BOLD ROSE
043	VI 1/2 BOLD ROSE
044	VI 1/2 BOLD ROSE
045	VI 1/2 BOLD ROSE
046	VI 1/2 BOLD ROSE
047	VI 1/2 BOLD ROSE
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097	VI 1/2 BOLD ROSE
098	VI 1/2 BOLD ROSE
099	VI 1/2 BOLD ROSE
100	VI 1/2 BOLD ROSE

P05-153  
Revised 1/21/2008

**PRELIER, WILLIAMS & GOTTRELL**  
**A.R.C.H.I.T.E.C.T.S**  
 1414 17TH STREET, SUITE 100, SACRAMENTO, CA 95811  
 (916) 441-1111  
 www.prelierwilliams.com

**Building 2 - Proposed Elevations**

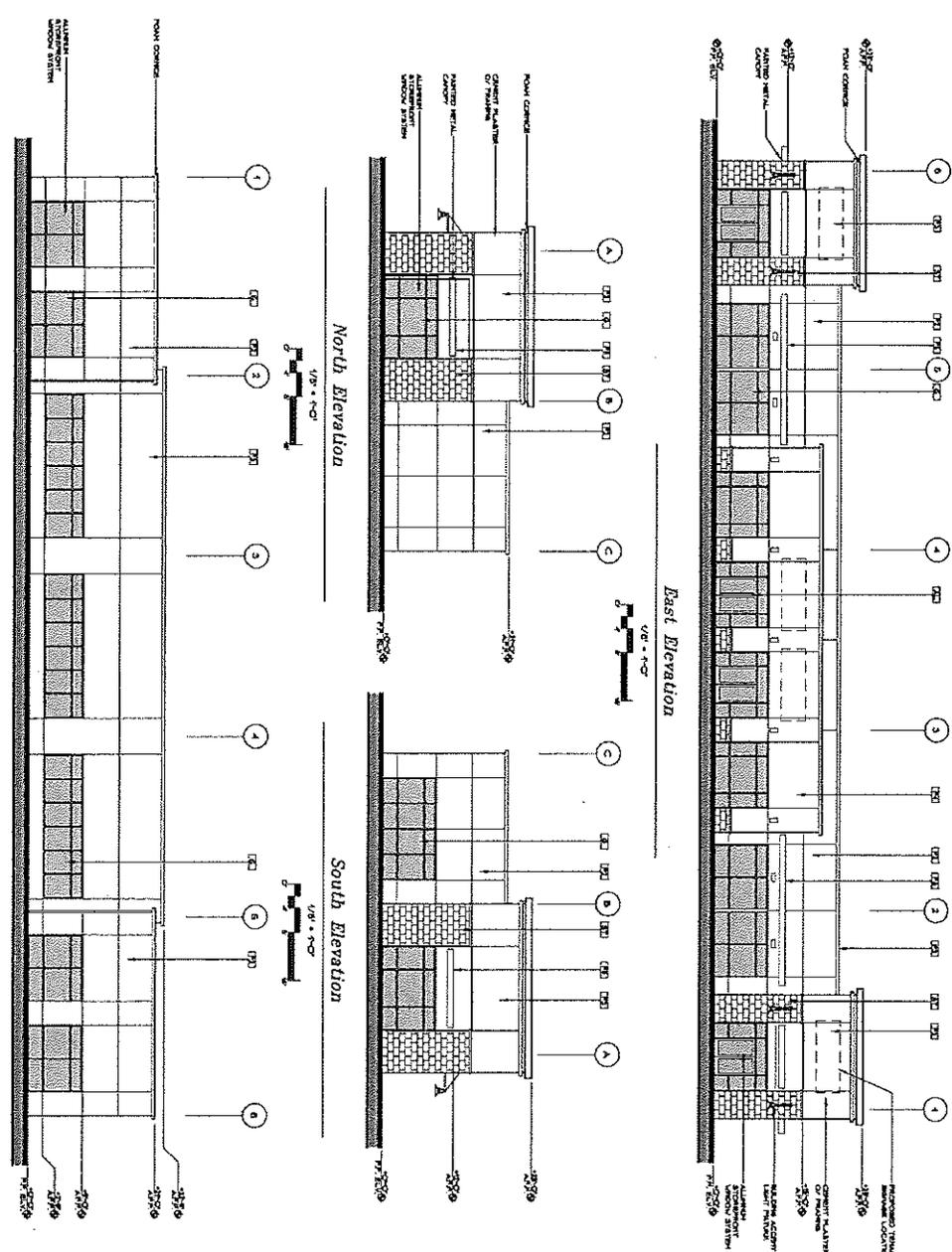
Project: FRANKLIN & MACK METAL  
 Job No. 2150 Date: 1-20-07  
 Scale: AS NOTED

**A2.1**



Exhibit O - Building 3 Elevations

Franklin Blvd. & Mack Road  
Sacramento, California



**COLOR SCHEDULE**

- (01) 20 988 TRUCKLOAD MEDIUM
- (02) 20 988 TRUCKLOAD MEDIUM
- (03) 20 988 TRUCKLOAD MEDIUM
- (04) 20 988 TRUCKLOAD MEDIUM
- (05) 20 988 TRUCKLOAD MEDIUM
- (06) 20 988 TRUCKLOAD MEDIUM
- (07) 20 988 TRUCKLOAD MEDIUM
- (08) 20 988 TRUCKLOAD MEDIUM
- (09) 20 988 TRUCKLOAD MEDIUM
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- (11) 20 988 TRUCKLOAD MEDIUM
- (12) 20 988 TRUCKLOAD MEDIUM
- (13) 20 988 TRUCKLOAD MEDIUM
- (14) 20 988 TRUCKLOAD MEDIUM
- (15) 20 988 TRUCKLOAD MEDIUM
- (16) 20 988 TRUCKLOAD MEDIUM
- (17) 20 988 TRUCKLOAD MEDIUM
- (18) 20 988 TRUCKLOAD MEDIUM
- (19) 20 988 TRUCKLOAD MEDIUM
- (20) 20 988 TRUCKLOAD MEDIUM

P05-153  
Revised 1/21/2008

**PRENNE, VILLIAMS & GOTTARIELLO**  
**A.R.C.H.I.T.E.C.T.S.**  
4400 28TH STREET, SUITE 200, SACRAMENTO, CALIFORNIA, 95811  
TEL: 916.441.1111 FAX: 916.441.1112  
WWW.PRENNEVILLIAMS.COM

**Project: FRANKLIN'S MACK RETAIL**  
**Building 3 - Proposed Elevations**

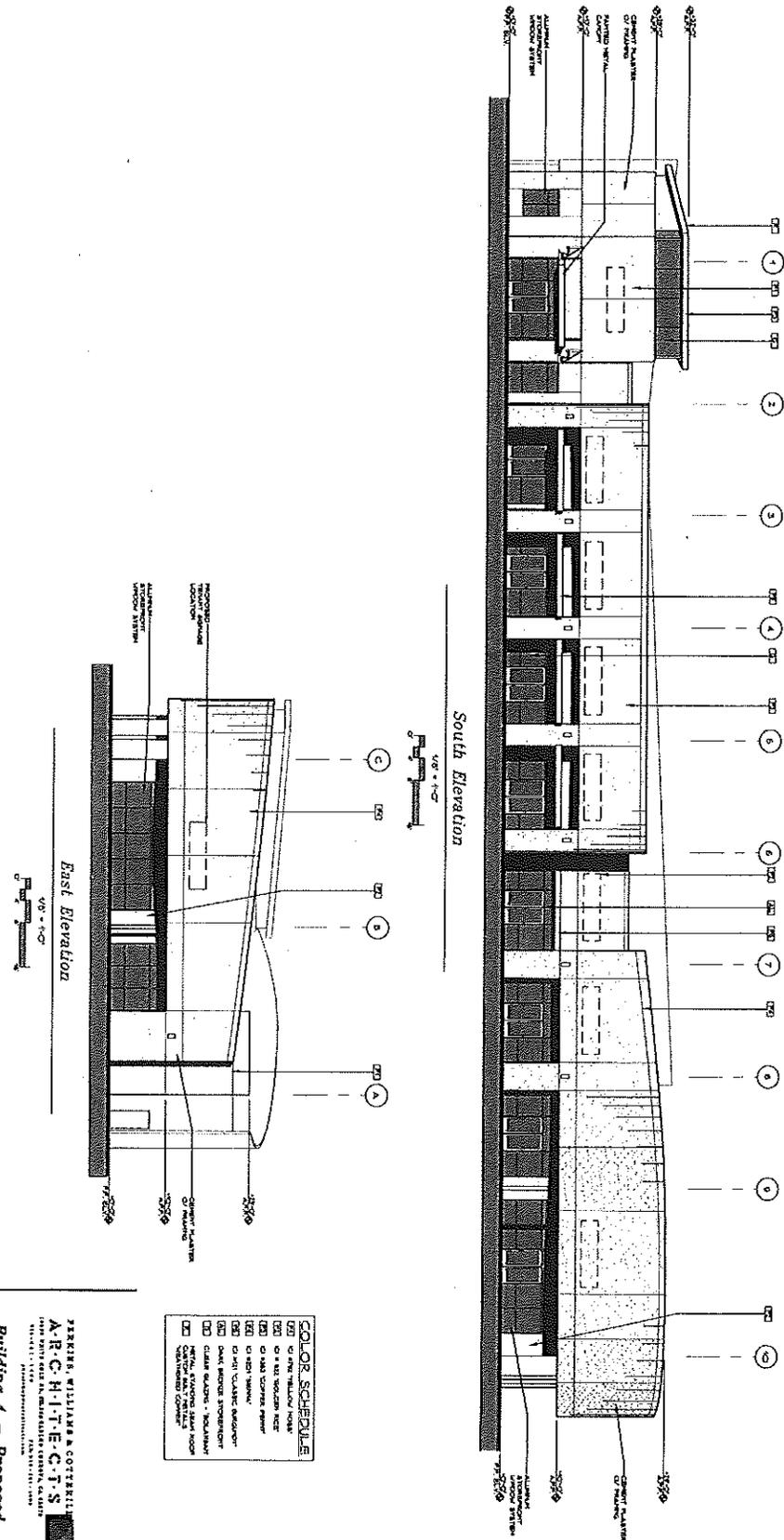
DATE: 03-20-07  
SCALE: AS NOTED

**A3.1**



Exhibit Q - Building 4 - South and East Elevations

Franklin Blvd. & Mack Road  
 Sacramento, California



ZENKINS WILKINSON & COTTRELL  
 A-R-C-H-I-T-E-C-T-S  
 1111 11th Street, Sacramento, CA 95811  
 916.441.1111

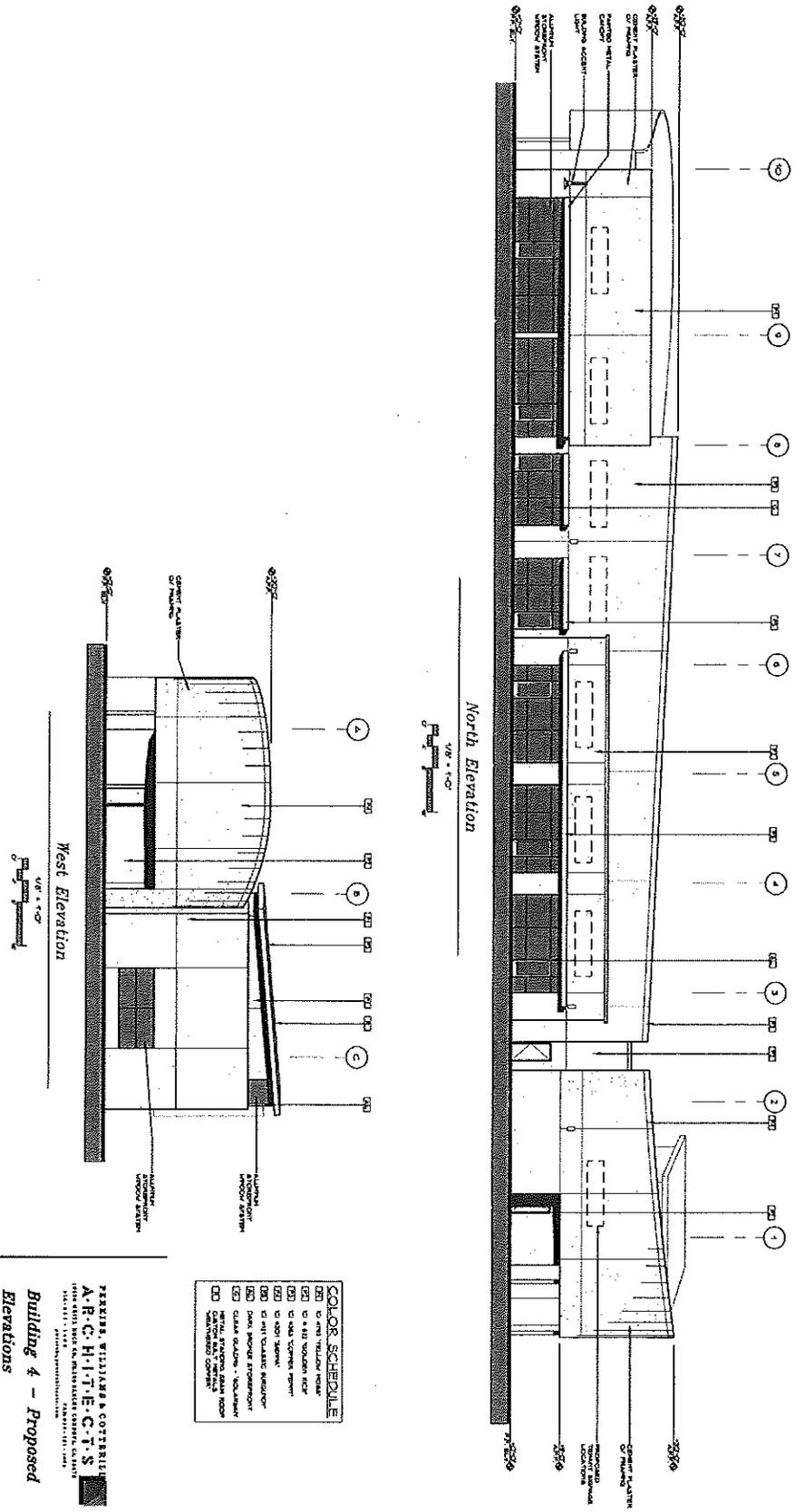
**Building 4 - Proposed Elevations**

PROJECT: FRANKLIN & MACK RETAIL  
 4th Fl. 27x0  
 DATE: 1-20-07  
 SCALE: AS NOTED

A4.1

Exhibit R - Building 4 - North and West Elevations

Franklin Blvd. & Mack Road  
 Sacramento, California



PREXIS VILLIERS & COTTRELL  
 A-R-C-H-I-T-E-C-T-S  
 1000 J STREET, SUITE 100  
 SACRAMENTO, CALIFORNIA 95811  
 TEL: 916.441.1111 FAX: 916.441.1112  
 WWW.PREXISVILLIERS.COM

Project: FRANKLIN & MACK RETAIL  
 Building 4 - Proposed Elevations  
 Date: 01/06/09  
 Scale: AS NOTED

A4.2





**Attachment 6  
Rezone Ordinance - Redlined**

**ORDINANCE NO.**

Adopted by the Sacramento City Council

**AMENDING SECTIONS 1(C) AND 1(F)(3) OF ORDINANCE NO. 93-033  
RELATING TO PROHIBITED USES FOR THE SHOPPING CENTER LOCATED  
AT THE SOUTHWEST CORNER OF FRANKLIN BOULEVARD AND MACK  
ROAD  
(P05-153)(APN: 119-0070-072 AND 063)**

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

Section 1. The condition of rezoning relating to prohibited uses set forth in Section 1 (c) of Ordinance No. 93-033 is amended to read as follows:

(c) The following uses shall not be permitted within the shopping center:

- 1) Fast food, drive-through restaurants;
- 2) General supermarkets;
- 3) Adult bookstores;
- 4) Adult cabarets;
- 5) Adult motion pictures theaters;
- 6) Adult arcades;
- 7) Alcoholic beverage sales for off-site consumption, unless conducted in a retail store 15,000 square feet of larger in size or as conditionally permitted under Special Permit (P05-153) as it applies to the convenience mart located in Building 5 of the International Plaza Planned Unit Development Schematic Plan; and
- 8) Liquor stores

Section 2. The condition of rezoning related to prohibited uses set forth in Section 1(f)(3) of Ordinance No. 93-033 is amended to read as follows:

3) Gas station with ~~no alcohol sales, and/or gas station-car wash and incidental food sales, with no alcohol sales;~~

**Rezone Ordinance**

**ORDINANCE NO.**

Adopted by the Sacramento City Council

**AMENDING SECTIONS 1(C) AND 1(F)(3) OF ORDINANCE NO. 93-033  
RELATING TO PROHIBITED USES FOR THE SHOPPING CENTER LOCATED  
AT THE SOUTHWEST CORNER OF FRANKLIN BOULEVARD AND  
MACK ROAD  
(P05-153)(APN: 119-0070-072 AND 063)**

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

Section 1. The condition of rezoning relating to prohibited uses set forth in Section 1 (c) of Ordinance No. 93-033 is amended to read as follows:

(C) The following uses shall not be permitted within the shopping center:

- 1) Fast food, drive-through restaurants;
- 2) General supermarkets;
- 3) Adult bookstores;
- 4) Adult cabarets;
- 5) Adult motion pictures theaters;
- 6) Adult arcades;
- 7) Alcoholic beverage sales for off-site consumption, unless conducted in a retail store 15,000 square feet or larger in size and as conditionally permitted per Special Permit (P05-153) as it applies to the convenience mart located on Building 5 of the International Plaza Planned Unit Development Schematic Plan.
- 8) Liquor stores

Section 2. The condition of rezoning related to prohibited uses set forth in Section 1(f)(3) of Ordinance No. 93-033 is amended to read as follows:

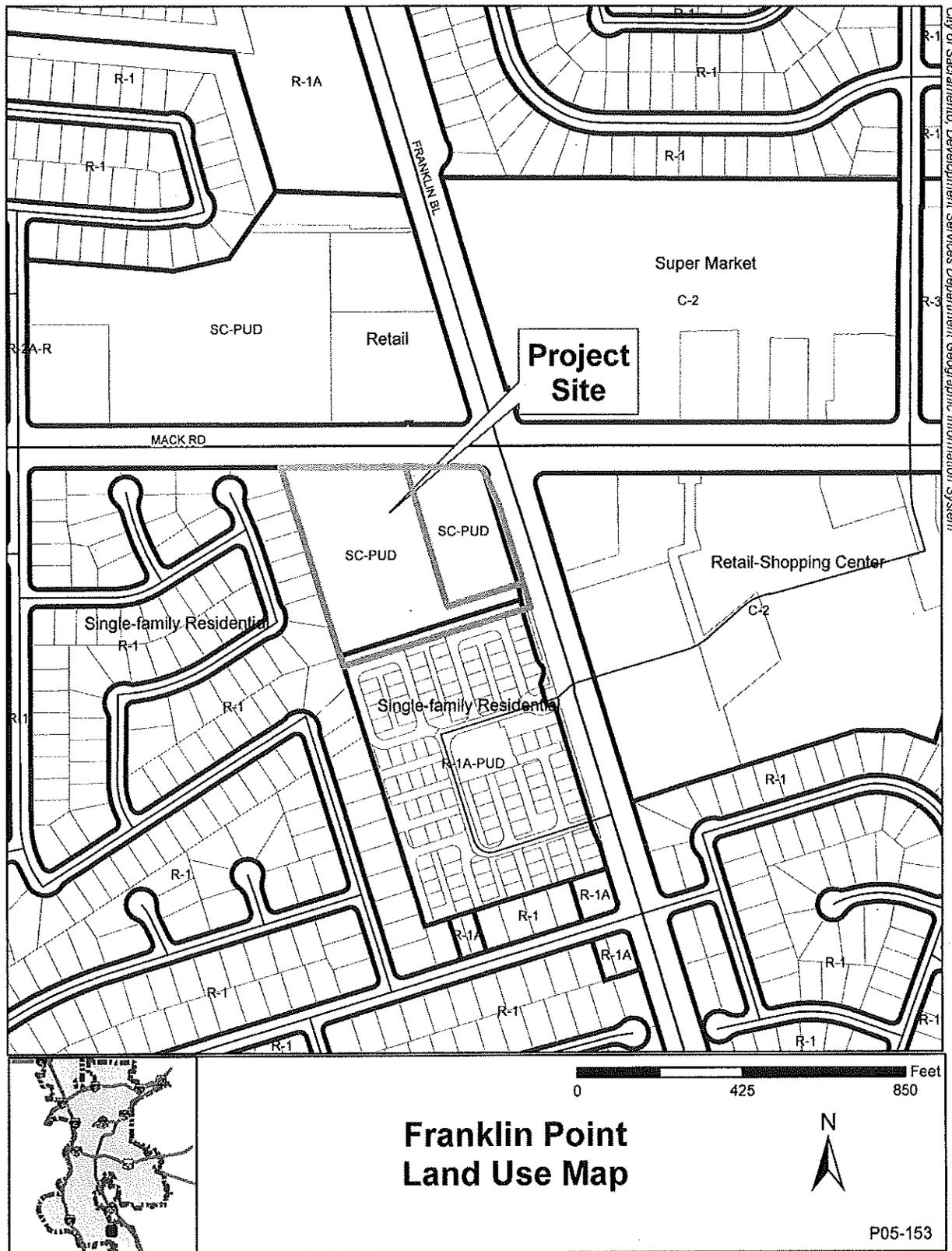
- F. The applicant shall submit an application for a Planned Unit

Development Designations for the project site. The Planned Unit Development application shall include the appropriate fees, a schematic plan, and development guidelines for the shopping center development. The Planned Unit Development Designation shall be approved prior to the issuance of any Building Permits on the site.

The Planned Unit Development Schematic Plan and Development Guidelines shall designate the following tenants:

- 1) Asian Specialty Food Store no greater than 35,000 square feet;
- 2) Sit down restaurant;
- 3) Gas station/car wash and incidental food sales.

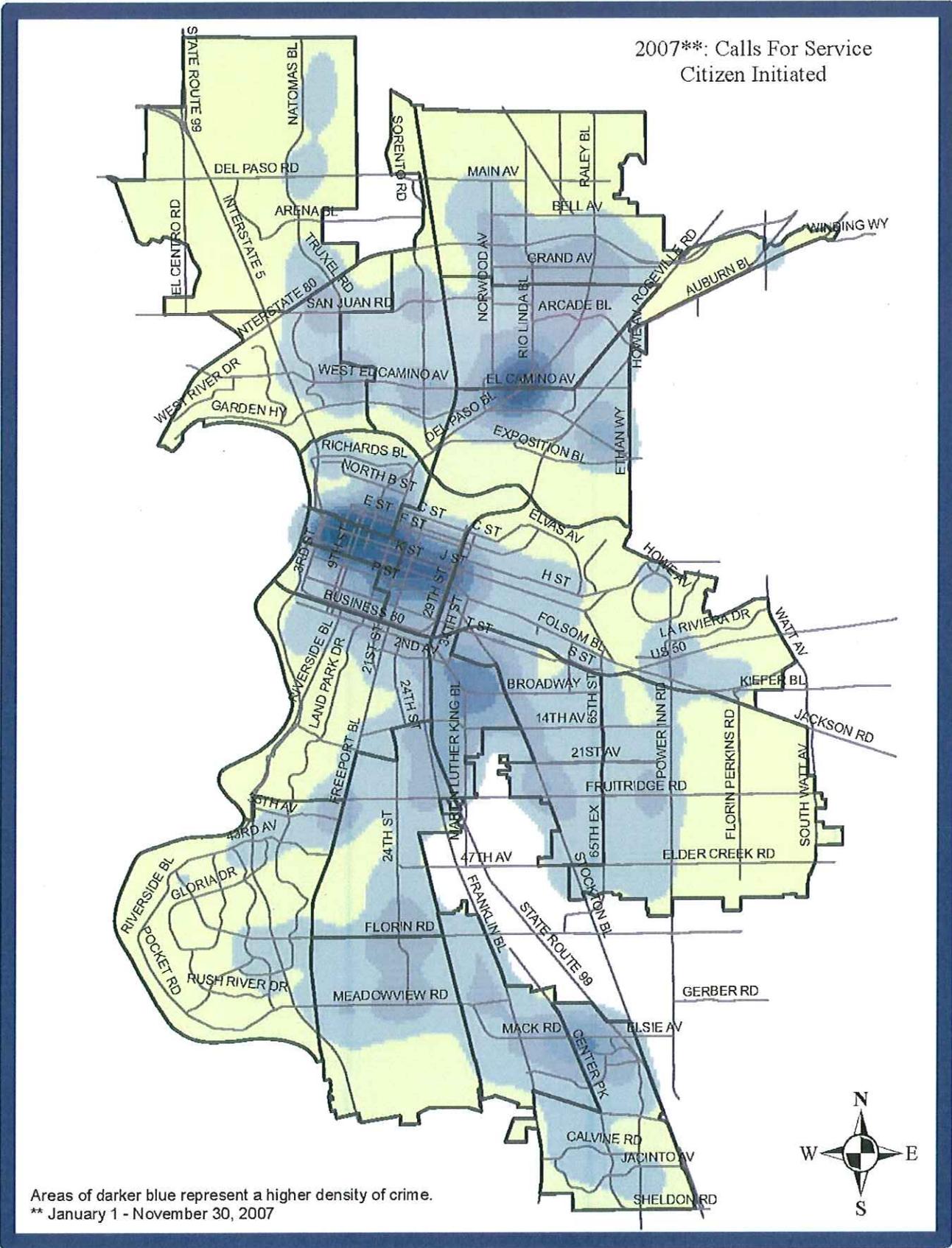
### Attachment 7 – Land Use and Zoning Map



City of Sacramento, Development Services Department Geographic Information System

P05-153

### Attachment 8 – Police Department Calls-for-Service Map



**Attachment 9 – Ordinance No. 93-033**

(Amended 6/8/93)

**ORDINANCE NO. 93-033**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF JUN 0 8 1993

ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE NO 2550, FOURTH SERIES, AS AMENDED, FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF FRANKLIN BOULEVARD AND MACK ROAD BY REMOVING 12.9± VACANT ACRES FROM THE OFFICE BUILDING-REVIEW (OB-R) ZONE AND PLACING THE SAME IN THE SHOPPING CENTER-REVIEW (SC-R) ZONE

(P89-018) (APN: 119-0070-033)

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

SECTION 1

The territory described in the attached exhibit(s) which is in the Office Building-Review (OB-R) zone(s) established by Ordinance No 2550, Fourth series, as amended, is hereby removed from said zones and placed in the Shopping Center-Review (SC-R) zone(s).

This action rezoning the property described in the attached exhibit(s) is adopted subject to the following conditions and stipulations:

- a. A material consideration in the decision of the City Council to approve rezoning of the applicant's property is the development plans and representations submitted by the applicant in support of this request. It is believed said plans and representations are an integral part of such proposal and should continue to be the development program for the property.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: 93-033  
DATE ADOPTED: JUN 0 8 1993

P89-018.fof

- b. If an applicant for a building permit or other construction permit is filed for said parcel which is not in conformity with the proposed development plans and representations submitted by the applicant and as approved by the City Council on June 1, 1993, on file in the office of the Planning Division, or any provision or modification thereof as subsequently reviewed and approved by the Planning Commission, no such permit shall be issued, and the Planning Division shall report the matter to the Planning Commission as provided for in Ordinance No. 3201, Fourth Series.
- c. The following uses shall not be permitted within the shopping center:
  - 1) Fast food, drive-through restaurants;
  - 2) General supermarkets;
  - 3) Adult bookstores;
  - 4) Adult cabarets;
  - 5) Adult motion picture theaters;
  - 6) Adult arcades;
  - 7) Alcoholic beverage sales for off-site consumption unless conducted in a retail store 15,000 square feet or larger in size; and
  - 8) Liquor stores.
- d. No users in the main shopping center building shall operate their establishments after 11 p.m. The theater may be open later, however, shall not start the showing of a movie after 10 p.m. The theatre shall close no later than 1:00 a.m.
- e. If the proposed shopping center is not built at the end of two years from the date of approval, the City Council shall hold public hearings to reevaluate the commercial zoning of the site.
- f. The applicant shall submit an application for a Planned Unit Development Designation for the project site. The Planned Unit Development application shall include the appropriate fees, a schematic plan, and development guidelines for the shopping center development. The Planned Unit Development Designation shall be approved prior to the issuance of any Building Permits on the site.

The Planned Unit Development Schematic Plan and Development Guidelines shall designate the following tenants:

- 1) Asian Specialty Food Store no greater than 35,000 square feet;
- 2) Sit down restaurant;
- 3) Gas station with no alcohol sales, and/or gas station/car wash and incidental food sales with no alcohol sales; and

**FOR CITY CLERK USE ONLY**

ORDINANCE NO.: 93-033  
 DATE ADOPTED: JUN 0 8 1993

- 4) Family Entertainment Center (such as movie theater, bowling alley and/or other uses as defined further in the Planned Unit Development Guidelines).

- g. The project shall comply with the Mitigation Monitoring Plan.

SECTION 2

The City Clerk of the City of Sacramento is hereby directed to amend the maps which are a part of said Ordinance No. 2550, Fourth Series, to conform to the provisions of this Ordinance.

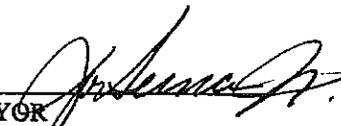
SECTION 3

Rezoning of the property described in the attached exhibit(s) by the adoption of this Ordinance shall be deemed to be in compliance with the procedures for the rezoning of property prescribed in Ordinance No. 2550, Fourth Series, as said procedures have been affected by recent court decisions.

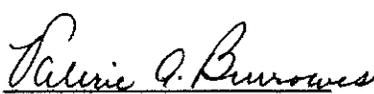
PASSED FOR PUBLICATION: May 25, 1993

PASSED: JUN 0 8 1993

EFFECTIVE: July 8, 1993

  
 \_\_\_\_\_  
 MAYOR

ATTEST:

  
 \_\_\_\_\_  
 CITY CLERK

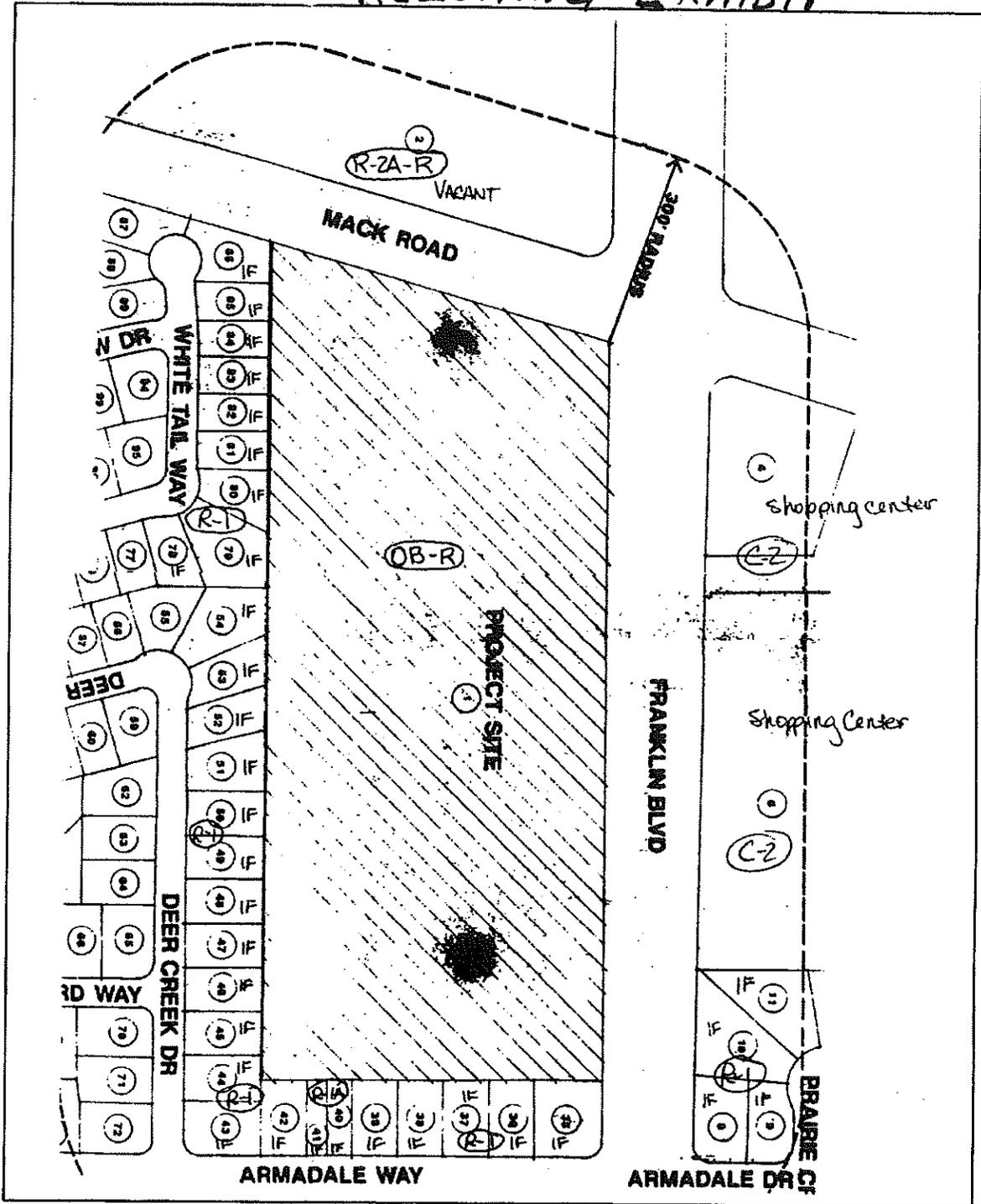
**FOR CITY CLERK USE ONLY**

amended 6/8/93

P89-018.fof

ORDINANCE NO.: 93-033  
 DATE ADOPTED: JUN 0 8 1993

# REZONING EXHIBIT



JUN 0 8 1993 LAND USE & ZONING MAP

P89-018 RESOLUTION 93-033 January 14, 1993

Item No. 2 (52)

**REZONING EXHIBIT**

LEGAL DESCRIPTION FOR APN 119-070-33

All of Parcel 3, As shown on that certain parcel  
map of which is recorded in the office of the recorder  
of Sacramento County in Book 37 of parcel maps, Map #45.  
Containing 14.01 ac. †

DEC 0 0 1993

JUN 0 8 1993  
RESOLUTION 93-033

53

**Attachment 10 – Ordinance No. 94-013**

**ORDINANCE NO. 94-013**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF MAY 03 1994

ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED, BY REMOVING 12.7± ACRES LOCATED AT THE SOUTHWEST CORNER OF FRANKLIN BLVD. AND MACK ROAD FROM THE SC-R ZONE AND PLACING SAME IN THE SC(PUD) ZONE

(P93-167)

(APN: 119-0070-033)

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

**SECTION 1**

The territory described in the attached exhibit(s) which is in the SC-R zone, established by Ordinance No. 2550, Fourth Series, as amended, is hereby removed from said zone and placed in the SC(PUD) zone(s).

This action rezoning the property described in the attached exhibit(s) is adopted subject to the following conditions and stipulations:

- a. A material consideration in the decision of the Planning Commission to recommend and the City Council to approve rezoning of the applicant's property is the development plans and representations submitted by the applicant in support of this request. It is believed said plans and representations are an integral part of such proposal and should continue to be the development program for the property.
- b. If an application for a building permit or other construction permit is filed for said parcel which is not in conformity with the proposed development plans and representations submitted by the applicant and as approved by the Planning Commission on March 17, 1994, on file in the office of the Planning Division, or any provision or modification thereof as subsequently reviewed and approved by the Planning Commission, no such permit shall be issued, and the Planning Division shall report the matter to the Planning Commission as provided for in Ordinance No. 3201, Fourth Series.

**FOR CITY CLERK USE ONLY**

P93-167

ORDINANCE NO.: 94-013  
DATE ADOPTED: MAY 03 1994

SECTION 2

The City Clerk of the City of Sacramento is hereby directed to amend the maps which are a part of said Ordinance No. 2550, Fourth Series, to conform to the provisions of this Ordinance.

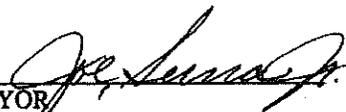
SECTION 3

Rezoning of the property described in the attached exhibit(s) by the adoption of this Ordinance shall be deemed to be in compliance with the procedures for the rezoning of property prescribed in Ordinance No. 2550, Fourth Series, as said procedures have been affected by recent court decisions.

PASSED FOR PUBLICATION: **APR 26 1994**

PASSED: **MAY 03 1994**

EFFECTIVE: **JUN 2 1994**

  
MAYOR

ATTEST:

  
CITY CLERK

---

FOR CITY CLERK USE ONLY

ORDINANCE NO.: 94-013

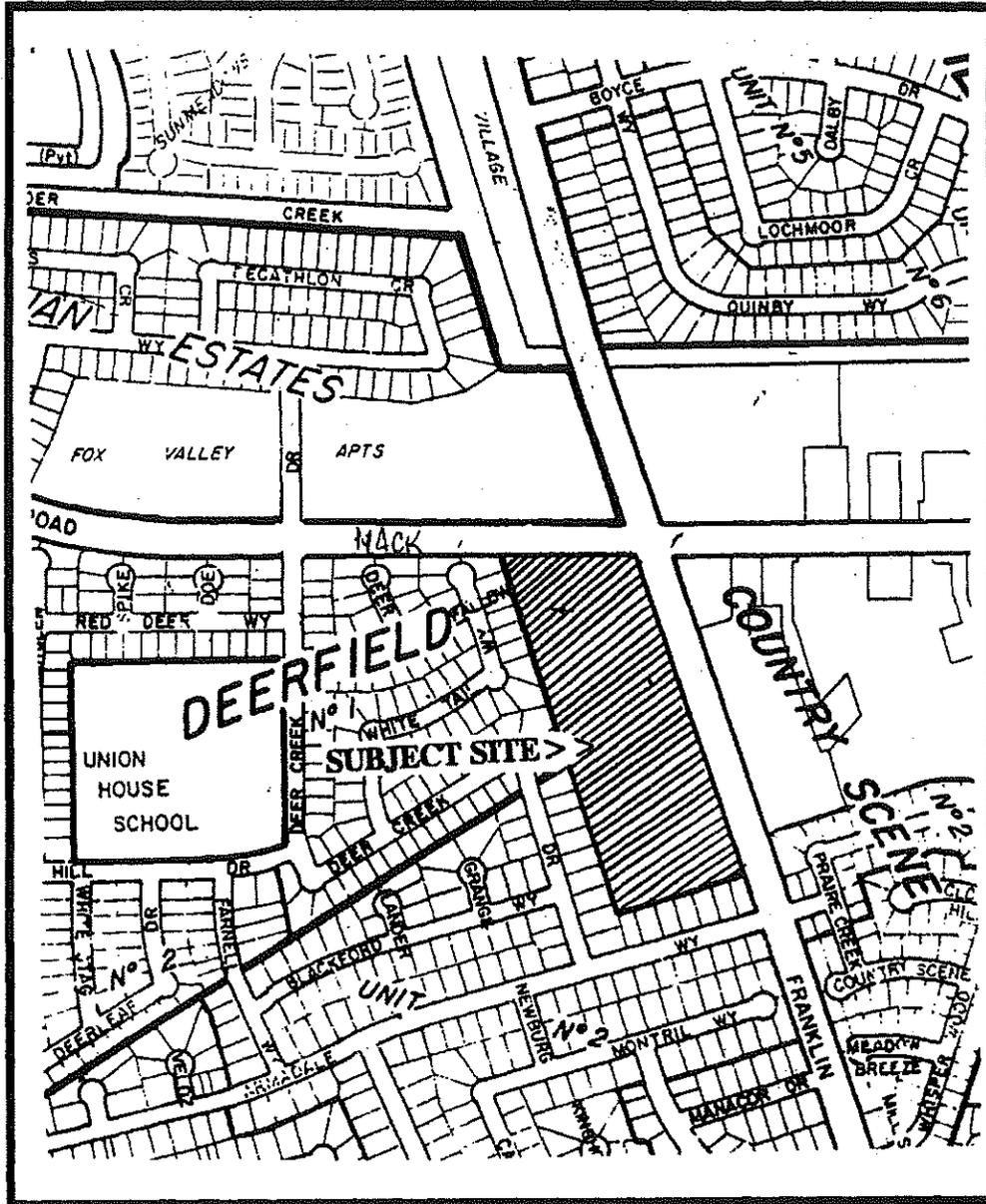
DATE ADOPTED: MAY 03 1994

ATTACHMENT A

P93-167

MARCH 17, 1994

ITEM #2  
PAGE 9



VICINITY MAP

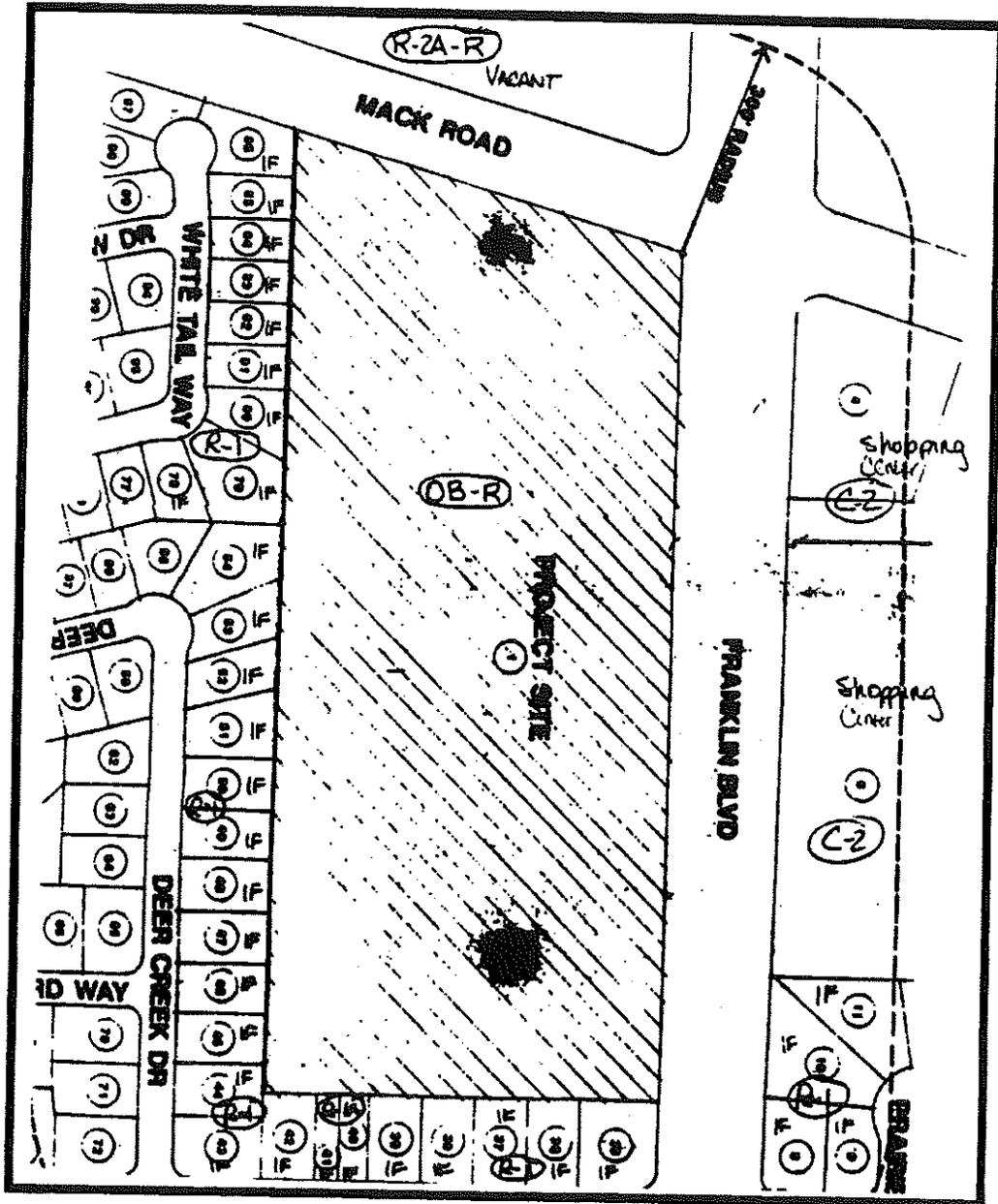
ORDINANCE No. 94-013  
MAY 03 1994

ATTACHMENT B

P93-167

MARCH 17, 1994

ITEM # 2  
PAGE 10



LAND USE AND ZONING MAP

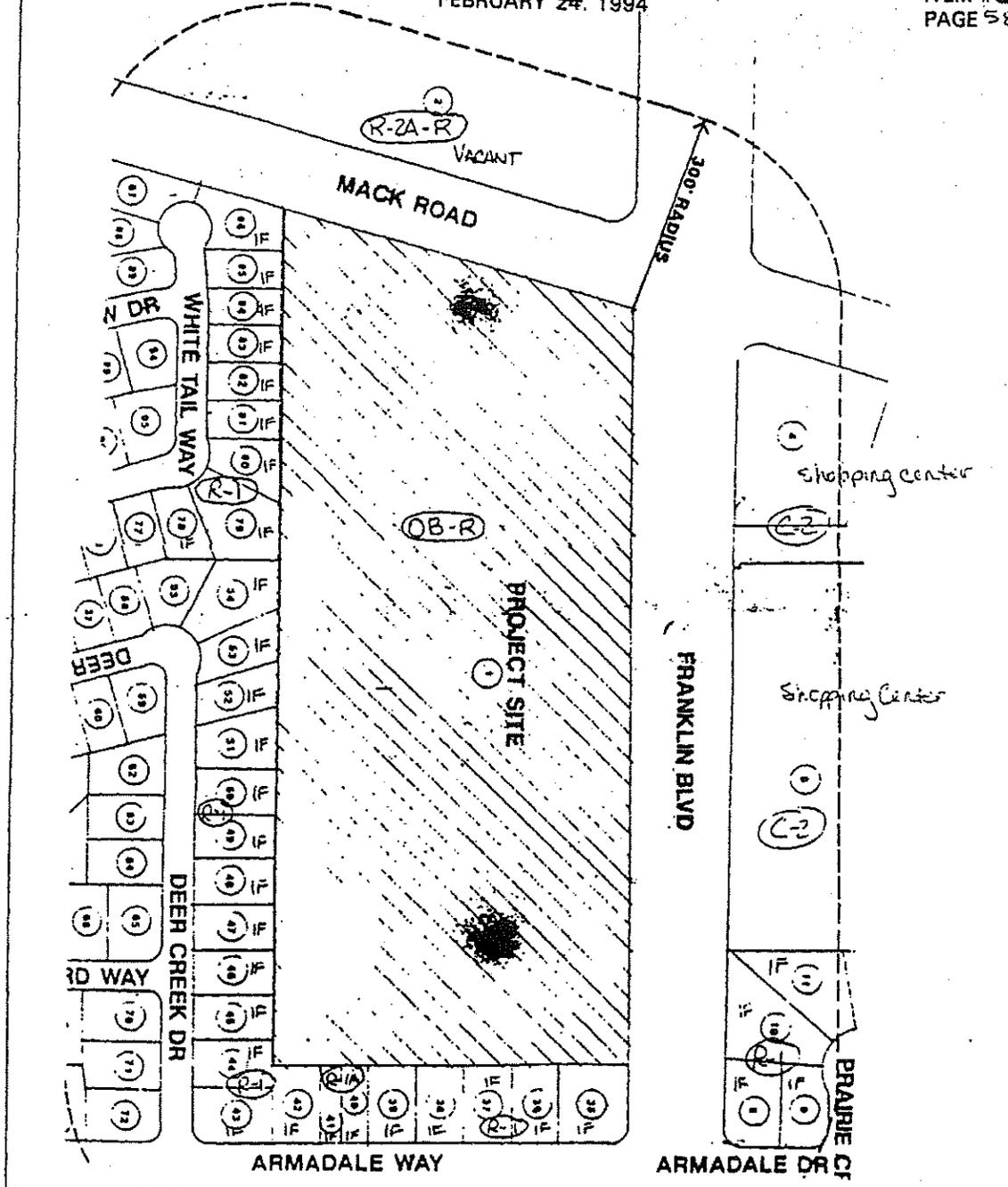
ORDINANCE No. 94-013  
MAY 03 1994

# REZONING EXHIBIT

MARCH 17  
FEBRUARY 24, 1994

ITEM #2  
PAGE 58

P93-167



## LAND USE & ZONING MAP

P89-018

January 14, 1993

ORDINANCE NO. 94-013

JUN 18 1993

RESOLUTION 93-300

MAY 03 1994

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Attachment 11 – Ordinance No. 94-014

P93-167

MARCH 17  
FEBRUARY 24, 1994

(Amended 6.8.93)

ITEM  
PAGE

CERTIFIED AS  
Ordinance No. 93-033 4th St

ORDINANCE NO. 93-033 DATE FEB 01 1994

ADOPTED BY THE SACRAMENTO CITY COUNCIL  
ON DATE OF JUN 06 1993  
*Valerie G. Benson*  
City Clerk, City of Sacramento

ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE NO 2550, FOURTH SERIES, AS AMENDED, FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF FRANKLIN BOULEVARD AND MACK ROAD BY REMOVING 12.9± VACANT ACRES FROM THE OFFICE BUILDING-REVIEW (OB-R) ZONE AND PLACING THE SAME IN THE SHOPPING CENTER-REVIEW (SC-R) ZONE

(P89-018) (APN: 119-0070-033)

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

SECTION 1

The territory described in the attached exhibit(s) which is in the Office Building-Review (OB-R) zone(s) established by Ordinance No 2550, Fourth series, as amended, is hereby removed from said zones and placed in the Shopping Center-Review (SC-R) zone(s).

This action rezoning the property described in the attached exhibit(s) is adopted subject to the following conditions and stipulations:

- a. A material consideration in the decision of the City Council to approve rezoning of the applicant's property is the development plans and representations submitted by the applicant in support of this request. It is believed said plans and representations are an integral part of such proposal and should continue to be the development program for the property.

FOR CITY CLERK USE ONLY

ORDINANCE NO. 93-033

MAY 3 1994  
ORDINANCE NO. 94-014 DATE ADOPTED: JUN 06

P89-018.faf

P93-167

MARCH 17  
FEBRUARY 24, 1994

ITEM #,  
PAGE #

- b. If an applicant for a building permit or other construction permit is filed for said parcel which is not in conformity with the proposed development plans and representations submitted by the applicant and as approved by the City Council on June 1, 1993, on file in the office of the Planning Division, or any provision or modification thereof as subsequently reviewed and approved by the Planning Commission, no such permit shall be issued, and the Planning Division shall report the matter to the Planning Commission as provided for in Ordinance No. 3201, Fourth Series.
- c. The following uses shall not be permitted within the shopping center:
  - 1) Fast food, drive-through restaurants;
  - 2) General supermarkets;
  - 3) Adult bookstores;
  - 4) Adult cabarets;
  - 5) Adult motion picture theaters;
  - 6) Adult arcades;
  - 7) Alcoholic beverage sales for off-site consumption unless conducted in a retail store 15,000 square feet or larger in size; and
  - 8) Liquor stores.
- d. No users in the main shopping center building shall operate their establishments after 11 p.m. The theater may be open later, however, shall not start the showing of a movie after 10 p.m. The theatre shall close no later than 1:00 a.m.
- e. If the proposed shopping center is not built at the end of two years from the date of approval, the City Council shall hold public hearings to reevaluate the commercial zoning of the site.
- f. The applicant shall submit an application for a Planned Unit Development Designation for the project site. The Planned Unit Development application shall include the appropriate fees, a schematic plan, and development guidelines for the shopping center development. The Planned Unit Development Designation shall be approved prior to the issuance of any Building Permits on the site.

The Planned Unit Development Schematic Plan and Development Guidelines shall designate the following tenants:

- 1) Asian Specialty Food Store no greater than 35,000 square feet;
- 2) Sit down restaurant;
- 3) Gas station with no alcohol sales, and/or gas station/car wash and incidental food sales with no alcohol sales; and

FOR CITY CLERK USE ONLY

ORDINANCE NO.: 93-033  
DATE ADOPTED: JUN 08 1994

ORDINANCE No. 94-014  
MAY 4 1994

P89-018 of

P93-167

MARCH 17  
FEBRUARY 24, 1994

ITEM #  
PAGE

4) Family Entertainment Center (such as movie theater, bowling alley and other uses as defined further in the Planned Unit Development Guidelines).

5. The project shall comply with the Mitigation Monitoring Plan.

SECTION 2

The City Clerk of the City of Sacramento is hereby directed to amend the maps which are a part of said Ordinance No. 2550, Fourth Series, to conform to the provisions of this Ordinance.

SECTION 3

Rezoning of the property described in the attached exhibit(s) by the adoption of this Ordinance shall be deemed to be in compliance with the procedures for the rezoning of property prescribed in Ordinance No. 2550, Fourth Series, as said procedures have been affected by recent court decisions.

PASSED FOR PUBLICATION: May 25, 1993

PASSED: JUN 0 8 1993

EFFECTIVE: July 8, 1993

JOE SERNA, JR.

MAYOR

ATTEST:

VALERIE BURDOWES

CITY CLERK

FOR CITY CLERK USE ONLY

amended 6/8/93

Pz9-018.1of

ORDINANCE NO.

93-033

ORDINANCE No.

94-014

DATE ADOPTED:

JUN 0 8 1993

MAY 3 1994