



# City of Sacramento City Council

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**Meeting Date:** 12/14/2010

**Report Type:** Public Hearing

**Title: Councilmember Call up: Iceland Restoration**

**Report ID:** 2010-00049

**Location:** District 2

**Recommendation:** Conduct a public hearing and upon conclusion adopt 1) a Resolution determining project exempt under the California Environmental Quality Act, and 2) a Resolution approving a Special Permit to establish a 13,500+ square foot outdoor ice skating rink on approximately 0.53 acres in the General Commercial Special Planning District (C-2-SPD) zone in the Del Paso Boulevard Special Planning District.

**Contact:** Greg Bitter, Principal Planner (916) 808-7816, Lindsey Alagozian, Senior Planner, (916) 808-2659, Community Development Department

**Presenter:** Greg Bitter, Principal Planner, (916) 808-7816, Community Development Department

**Department:** Community Development Dept

**Division:** Current Planning

**Dept ID:** 21001221

<p><b>Attachments:</b></p> <ul style="list-style-type: none"><li>1-Description/Analysis</li><li>2-Background</li><li>3-Planning Commission Notice of Decision</li><li>4-Map</li><li>5-Resolution-CEQA</li><li>6-Resolution-Project Approval</li><li>7-Exhibit A-Site Plan</li><li>8-Exhibit B-Site Plan Detail</li></ul>	<p><b>City Attorney Review</b> Approved as to Form</p> <p>Sabina D. Gilbert 12/8/2010 4:24:39 PM</p>

**Approvals/Acknowledgements**

Dept Director: Max Fernandez

ACM : John Dangberg - 12/8/2010 3:47:03 PM



## Description/Analysis

**Issue:** The applicant is requesting to establish a 13,500± square foot outdoor ice skating rink on approximately 0.53 acres in the General Commercial Special Planning District (C-2-SPD) zone in the Del Paso Boulevard Special Planning District. The proposed outdoor ice skating rink will operate within the building footprint of the Iceland ice skating rink that was destroyed by fire. The applicant intends to operate as an outdoor amusement center until the fully enclosed structure can be rebuilt. The Planning Commission approved the Special Permit on November 18, 2010. The Planning Commission’s decision was called-up to City Council on November 29, 2010.

**Policy Considerations:** The subject site is designated Urban Corridor Low on the 2030 General Plan Land Use and Urban Form Diagram. The proposed outdoor ice skating ring is consistent with the land use designation. Additionally, the ice skating rink promotes the following General Plan Policies:

- Identify and preserve the city’s historic and cultural resources to enrich our sense of place and our understanding of the city’s prehistory and history (Goal HCR 2.1).
- The City shall encourage the development of private commercial recreational facilities to help meet recreational interests of Sacramento’s residents, workforce, and visitors (ERC 2.2.18).

### Environmental Considerations:

**California Environmental Quality Act (CEQA):** The Community Development Department, Environmental Planning Services Division has reviewed this project and determined that this is exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15302, replacement or reconstruction of existing structures and facilities. The project consists of the reconstruction of a commercial facility.

**Commission/Committee Action:** The Special Permit request was heard by the Planning Commission on November 18, 2010. During the hearing, the Planning Commission discussed the temporary nature of the request to operate the outdoor skating rink. The applicant stated his intent to operate as an outdoor skating rink to allow time to raise funds to reconstruct the damaged building. The Commission discussed the possibility of limiting the Special Permit to a specified timeframe. The applicant indicated during the hearing that it could take two or more years to raise the necessary funds, but could not commit to any particular deadline. The Planning Commission ultimately voted (9 ayes; 1 no; 1 absent) to approve the request without any additional term limits.

**Rationale for Recommendation:** The Iceland Restoration project proposes to operate Iceland as a non-profit, outdoor skating facility that would operate during the winter season. The proposed ice skating facility will operate within the footprint of the original building. Staff supports this request to restore ice skating activities to the subject site. The applicant has agreed to conditions requiring the formulation of a “good neighbor policy” and conditions requiring skating sessions end at 10:30 p.m. Further, the applicant is required to obtain all the necessary building permits and comply with the City Noise Ordinance. Staff finds that the proposed project complies with the Zoning Code and the 2030 General Plan. For these reasons, staff recommends that the City

Council approve the request based on the findings of fact and subject to the conditions of approval listed in Attachment 5, the project Resolution.

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

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

## Attachment 2 – Background

The Iceland ice skating was built in 1940 and was in continuous operation until March of 2010 when the structure was badly damaged by an arson-set fire. Though there was extensive damage to Iceland the exterior walls remain standing. The intent of the current request is to operate Iceland as a non-profit, outdoor skating facility that would operate during the winter season. The applicant expects to operate as an outdoor skating facility for one or two years until the facility can be fully rebuilt. The Iceland building is in the application process for Landmark nomination.

The site is a 0.53± acre commercial property located at 1430 Del Paso Boulevard. The American Ice company is also located on the subject site, and was not affected by the March 2010 fire. The applicant proposes to operate the outdoor ice skating rink within the original building footprint. Associated facilities, such as the skate shop and portable restrooms will be located south of the rink on the opposite side of the Del Paso-Lochbrae alley.

At the time of its construction, the Iceland ice skating rink was not required to provide parking. A parking ratio of 1 parking space for every 100 square feet of building area has since been added as a requirement for a skating rink. In such cases, where a parking requirement has been added after the establishment of a use, a parking credit is given based on the use and building size. Since the restoration project will not expand the skating facility, there will be no changes in the parking requirement. The 13,500 square foot building already has the credit for 135 parking spaces. Parking is available on Del Paso Boulevard and on a surface lot to the south which provides additional, but unrequired parking.

Due to the open nature of the skating rink, the applicant has agreed to the following conditions:

- No amplified sound shall be allowed after 10:30 p.m.
- General operational hours, including maintenance, shall be between the hours of 5:00 a.m. and 12:00 a.m. Skating sessions open to the public or for private events shall end no later than 10:30 p.m.
- Prior to the issuance of a building permit, the applicant shall propose and submit for review and approval by the Planning Director a “Good Neighbor Policy” including but not limited to the following:
  - a. Establish a process for neighbors to communicate directly with management staff of Iceland regarding any concerns related to hours of operation, general operations, and/or maintenance of the facility.
  - b. Provide an emergency contact person and phone number on-site, in a clearly identified place.
  - c. The “Good Neighbor Policy” shall be reviewed by Planning Staff and shall be posted in a conspicuous location on the subject property.

Further, the applicant is required to obtain all the necessary building permits and comply with the City Noise Ordinance.

# Attachment 3 – Planning Commission Record of Decision



## CITY OF SACRAMENTO PLANNING COMMISSION RECORD OF DECISION

300 Richards Boulevard, Sacramento, CA 95811

Project Name:	Iceland Restoration
Project Number:	P10-079
Project Location:	1430 Del Paso Boulevard
Assessor's Parcel No.:	275-0125-007, 275-0125-008
Applicant:	Rob Kerth, American Iceland LLC, 539 Southgate Rd, Sacramento, CA 95815
Action Status:	Approved with Conditions
Action Date:	11/18/2010
<b>REQUESTED ENTITLEMENT(S):</b>	A. Environmental Determination: Exempt per CEQA 15302 B. Special Permit to establish an outdoor amusement center in the General Commercial Special Planning District (C-2-SPD) zone.
<b>ACTIONS TAKEN:</b>	On 11/18/2010, the Planning Commission took the following actions based on the attached findings of fact and subject to the attached conditions of approval: Approved entitlements A and B with conditions
<b>Action certified by:</b>	 David Kwong, Planning Director
<b>Sent to Applicant:</b>	11/19/2010
<b>By:</b>	 Antonio Ablog, Associate Planner

### NOTICE OF PROTEST RIGHTS

The above conditions include the imposition of fees, dedications, reservations, or other exactions. Pursuant to California Government Code section 66020, this Notice of Decision serves as written notice to the project applicant of (1) the amount of any fees and a description of any dedications, reservations, or exactions imposed, and (2) that the applicant may file a protest against the imposition of those fees, dedications, reservations, or other exactions within 90 days of the date of this approval, which is deemed to be the date that the fees, dedications, reservations, or other exactions are imposed. If the payment of a fee is imposed as a condition of approval, but the amount of the fee is not stated in this Notice of Decision and is not otherwise available to the applicant on a fee schedule or otherwise, the 90 days protest period will begin to run when the applicant is notified of the amount of the fee.

For purposes of this notice, the following fees are deemed to be imposed upon approval of the first discretionary entitlement for the subject development project and are subject to the protest procedures set forth in Title 18 of the Sacramento City Code as indicated: North Natomas Public Facilities Fee, Transit Fee, and Drainage Fee (SCC 18.24.160); North Natomas Land Acquisition Fee (SCC 18.24.340); North Natomas School Facilities Fee (SCC 18.24.710); Jacinto Creek Planning Area Facilities Fee (SCC 18.28.150); Willow Creek Project Area Development Fee (SCC 18.32.150); Development Impact Fees for the Railyards, Richards Boulevard, and Downtown Areas (SCC 18.36.150); Habitat Conservation Fee for the North and South Natomas Community Plan Areas (18.40.090); and Park Development Impact Fee (18.44.140).

The time within which to challenge a condition of approval of a tentative subdivision map, including the imposition of fees, dedication, reservation, or other exaction, is governed by Government Code section 66499.37

**EXPIRATION**

**TENTATIVE MAP:** Failure to record a final map within three years of the date of approval or conditional approval of a tentative map shall terminate all proceedings.

**SPECIAL PERMIT:** A use for which a Special Permit is granted must be established within three years after such permit is issued. If such use is not so established, the Special Permit shall be deemed to have expired.

**VARIANCE:** Any variance involving an action which requires a building permit shall expire at the end of three years unless a building permit is obtained within the variance term.

**PLAN REVIEW:** Any plan review shall expire at the end of three years unless a building permit is obtained within the plan review term.

**NOTE:** Violation of any of the foregoing conditions will constitute grounds for revocation of this permit. Building permits are required in the event any building construction is planned. The County Assessor is notified of actions taken on rezoning, special permits and variances.

**APPEALS**

Appeals of the Planning Commission decision of this item to the City Council must be filed at 300 Richards Boulevard, 3rd Floor, within 10 calendar days of this meeting, on or before 11/29/2010. If the 10<sup>th</sup> day falls on a Sunday or holiday, the appeal may be filed on the following business day.

**Findings of Fact**

**A. Environmental Determination: Exemption**

Based on the determination and recommendation of the City's Environmental Planning Services Manager and the oral and documentary evidence received at the hearing on the Project, the Planning Commission finds that the Project is exempt from review under 15302, replacement or reconstruction of existing structures and facilities of the California Environmental Quality Act (CEQA) Guidelines as follows:

The proposed project is consistent with the reconstruction of an existing facility as it involves the reconstruction of a 13,500± square foot ice skating rink.

**B. The Special Permit to establish an outdoor amusement center in the General Commercial Special Planning District (C-2-SPD) zone is approved based on the following findings of fact.**

1. The special permit shall be granted upon sound principles of land use in that the facility will continue to operate as an ice skating rink. Since the structure was damaged by fire, the venue will operate as an outdoor rink until the facility can be fully rebuilt. The proposed use is compatible with the adjacent commercial uses.
2. Granting of the special permit will not be detrimental to the public health, safety or welfare, or if it results in the creation of a nuisance in that the installation of the facility will be subject to City building permits and the establishment of an outdoor skating rink will activate an underutilized property.
3. The special permit complies with the objectives of the general or specific plan for the area in which it is to be located in that the proposed project is consistent with General Plan Policies promoting the preservation of the city's historic and cultural resources, and that encourage the development of private recreational facilities.

### Conditions of Approval

- B. The Special Permit to establish an outdoor amusement center in the General Commercial Special Planning District (C-2-SPD) zone is approved subject to the following conditions:

#### Planning

- B1. The applicant must obtain all necessary building permits prior to occupancy.
- B2. No amplified sound shall be allowed after 10:30 p.m.
- B3. General operational hours, including maintenance, shall be between the hours of 5:00 a.m. and 12:00 a.m. Skating sessions open to the public or for private events shall end no later than 10:30 p.m.
- B4. The applicant shall comply with all applicable City Noise Ordinances
- B5. The applicant shall comply with all applicable City Regulations related to solid waste and recycling.
- B6. Prior to the issuance of a building permit, the applicant shall propose and submit for review and approval by the Planning Director a "Good Neighbor Policy" including but not limited to the following:
- a. Establish a process for neighbors to communicate directly with management staff of Iceland regarding any concerns related to hours of operation, general operations, and/or maintenance of the facility.
  - b. Provide an emergency contact person and phone number on-site, in a clearly identified place.
  - c. The "Good Neighbor Policy" shall be reviewed by Planning Staff and shall be posted in a conspicuous location on the subject property.

#### Utilities

- B7. The DOU expects that the project site will not drain properly without a roof as it was originally designed. The applicant may experience flooding problems during rain events that may be of concern to the property owner. The owner shall not direct storm water across property lines or private drainage easements shall be secured by the applicant.
- B8. 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.

## Advisory Notes

### Building

1. The roof provides out-of-plane structural support for the concrete walls. The applicant must employ a civil or structural engineer to prepare structural calculations and details confirming that the walls can resist current code forces without a structural diaphragm.
2. Any structural repairs may trigger accessibility upgrades per CBC Section 1134B.2.
3. The applicant must demonstrate that the building is equipped with proper drainage systems to convey the water from the building. They must also demonstrate that the interior equipment and materials are resistant to exterior exposure.

### Utilities

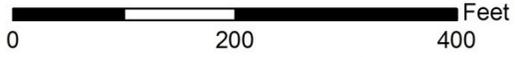
4. The DOU understands that the entitlement sought is for an interim use of the subject property and that the building structure will be repaired and/or rebuilt at a later time.
5. Storm water shall not enter into the City's sewer system. Contact the Chief Plumbing Inspector for requirements and methods to prevent storm water intrusion into sewer lines. This may involve plugging or modification of floor drains that are part of the building structure that was damaged in a recent fire.
6. It appears that the two parcels that are the subject property of this entitlement are served by a single sewer lateral and a single water service. The DOU will require each parcel to be serviced by its own water service and sewer lateral when the structure is rebuilt.

### Fire

7. Comply with California Building Code (CBC) Appendix Chapter 1, Section 107 related to Temporary Structures and Uses.
8. Comply with California Fire Code Chapter 10 related to Means of Egress. *Applicant will be required to provide two means of egress from the skating area to a public way. A door equipped with panic hardware meeting the above-mentioned Fire Code requirements shall be installed to provide a means of egress to Del Paso Blvd. Signage, illumination and egress width shall comply with the requirements of this chapter.*
9. 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. *The proposed off-ice area will impede emergency access to the alley. The applicant will be required to contact the City of Sacramento Department of Transportation to acquire either a Street Use Permit and/or a Revocable Encroachment Permit. The proposed action will require the fire department to assess, and place conditions of approval that will maintain the level of service to public safety.*



City of Sacramento, Development Services Department, Geographic Information System



# P10-079 Iceland Restoration



## RESOLUTION NO.

Adopted by the Sacramento City Council

### DETERMINING ICELAND RESTORATION PROJECT EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (P10-079)

#### BACKGROUND

- A. On November 18, 2010, the City Planning Commission conducted a public hearing on, and approved with conditions, the Iceland Restoration project.
- B. On November 29, 2010, the Planning Commission's decision was called-up to the City Council.
- C. On December 14, 2010, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(2)(d), and received and considered evidence concerning the Iceland Restoration project.

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

**Section 1.** Based on the determination and recommendation of the City's Environmental Planning Services Manager and the oral and documentary evidence received at the hearing on the Project, the City Council finds that the Project is exempt from review under Section 15302 of the California Environmental Quality Act Guidelines as follows:

- a. The proposed project is consistent with the replacement or reconstruction of existing structures and facilities as it consists of the reconstruction of an ice skating rink on approximately 0.53 acres in the General Commercial Special Planning District (C-2-SPD) zone in the Del Paso Boulevard Special Planning District.

## RESOLUTION NO.

Adopted by the Sacramento City Council

### ADOPTING FINDINGS OF FACT AND APPROVING THE ICELAND RESTORATION PROJECT (P10-079)

#### BACKGROUND

- A. On November 18, 2010, the City Planning Commission conducted a public hearing on, and approved with conditions, the Iceland Restoration project.
- B. On November 29, 2010, the Planning Commission's decision was called-up to the City Council.
- C. On December 14, 2010, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(2)(d), and received and considered evidence concerning the Iceland Restoration 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 Iceland Restoration, the City Council approves the Project entitlements based on the findings of fact and subject to the conditions of approval as set forth below.

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

- A. **Environmental Determination:** The **CEQA Categorical Exemption** for the Project has been adopted by Resolution No. \_\_\_\_.
- B. The Special Permit to establish an outdoor amusement center in the General Commercial Special Planning District (C-2-SPD) zone is approved based on the following findings of fact:
  - 1. The project is based on sound principles of land use in that the outdoor skating rink will activate the property that was damaged by a fire while full restoration is pursued, and continue in operation the ice skating use at the location where that use has been in operation for 60 years. The proposed use is compatible with the adjacent commercial uses.

2. The project will not be detrimental to the public health, safety or welfare, nor result in the creation of a nuisance in that the installation of the facility will be subject to City building permits and is conditioned to address potential noise and operational impacts.
3. The project is consistent with the General Plan Policies that promote the preservation of the city's historic and cultural resources, and that encourage the development of private recreational facilities.

### **Conditions Of Approval**

- B.** The Special Permit to establish an outdoor amusement center in the General Commercial Special Planning District (C-2-SPD) zone is approved subject to the following conditions:

### **Planning**

- B1. The applicant must obtain all necessary building permits prior to occupancy.
- B2. No amplified sound shall be allowed after 10:30 p.m.
- B3. General operational hours, including maintenance, shall be between the hours of 5:00 a.m. and 12:00 a.m. Skating sessions open to the public or for private events shall end no later than 10:30 p.m.
- B4. The applicant shall comply with all applicable City Noise Ordinances.
- B5. The applicant shall comply with all applicable City Regulations related to solid waste and recycling.
- B6. Prior to the issuance of a building permit, the applicant shall propose and submit for review and approval by the Planning Director a "Good Neighbor Policy" including but not limited to the following:
  - a. Establish a process for neighbors to communicate directly with management staff of Iceland regarding any concerns related to hours of operation, general operations, and/or maintenance of the facility.
  - b. Provide an emergency contact person and phone number on-site, in a clearly identified place.
  - c. The "Good Neighbor Policy" shall be reviewed by Planning Staff and shall be posted in a conspicuous location on the subject property.

## **Utilities**

- B7. The DOU expects that the project site will not drain properly without a roof as it was originally designed. The applicant may experience flooding problems during rain events that may be of concern to the property owner. The owner shall not direct storm water across property lines or private drainage easements shall be secured by the applicant.
- B8. 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.

## **Advisory Notes**

### **Building**

- 1. The roof provides out-of-plane structural support for the concrete walls. The applicant must employ a civil or structural engineer to prepare structural calculations and details confirming that the walls can resist current code forces without a structural diaphragm.
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### **Utilities**

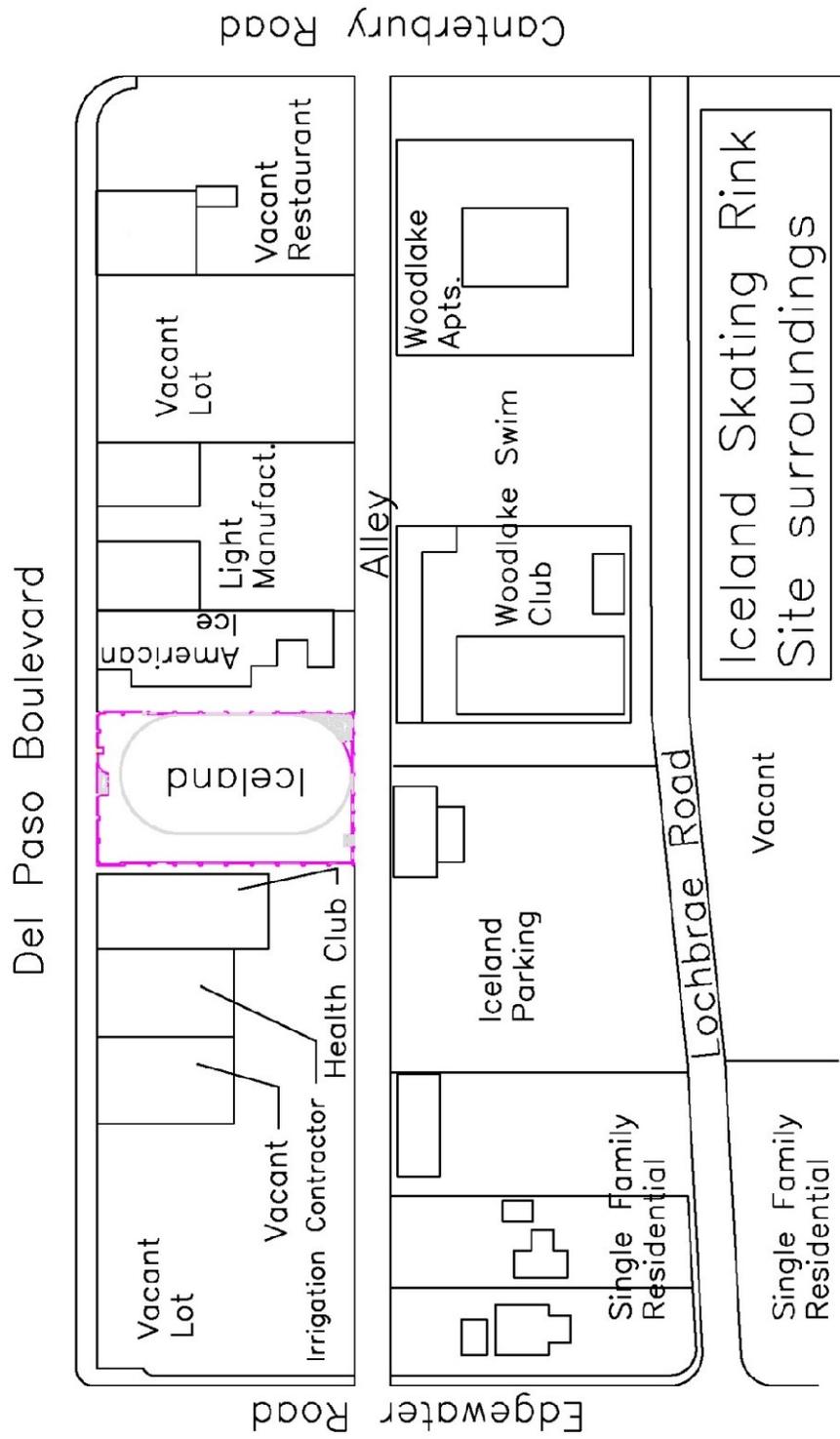
- 4. The DOU understands that the entitlement sought is for an interim use of the subject property and that the building structure will be repaired and/or rebuilt at a later time.
- 5. Storm water shall not enter into the City's sewer system. Contact the Chief Plumbing Inspector for requirements and methods to prevent storm water intrusion into sewer lines. This may involve plugging or modification of floor drains that are part of the building structure that was damaged in a recent fire.
- 6. It appears that the two parcels that are the subject property of this entitlement are served by a single sewer lateral and a single water service. The DOU will require each parcel to be serviced by its own water service and sewer lateral when the structure is rebuilt.

## **Fire**

7. Comply with California Building Code (CBC) Appendix Chapter 1, Section 107 related to Temporary Structures and Uses.
8. Comply with California Fire Code Chapter 10 related to Means of Egress. *Applicant will be required to provide two means of egress from the skating area to a public way. A door equipped with panic hardware meeting the above-mentioned Fire Code requirements shall be installed to provide a means of egress to Del Paso Blvd. Signage, illumination and egress width shall comply with the requirements of this chapter.*
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