

RESOLUTION NO. 2010-0732

Adopted by the Sacramento City Council

December 14, 2010

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. 2010-731.
- 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 special permit shall expire three (3) years from the date of approval. During the term of the special permit, the applicant shall provide to the Community Development Department's Operations Manager and the Planning Director an annual progress report regarding the reconstruction of Iceland. The annual progress report shall be provided on or about the first of November each year and shall include information related to fundraising efforts, design/building plan progress and construction progress. During the term of this special permit, the applicant shall have the right to request a modification to this condition seeking an extension of the three (3) year term. The review of any term extension request shall be based on the results of the annual progress reports and processed consistent with Section 17.212.070 (modification of a special permit) of the City Code.
- B2. The applicant must obtain all necessary building permits prior to occupancy.
- B3. No amplified sound shall be allowed after 10:30 p.m.
- B4. 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.
- B5. The applicant shall comply with all applicable City Noise Ordinances.
- B6. The applicant shall comply with all applicable City Regulations related to solid waste and recycling.
- B7. 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

- B8. 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.
- B9. 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.*

Adopted by the City of Sacramento City Council on December 14, 2010 by the following vote:

Ayes: Councilmembers Ashby, Cohn, D Fong, R Fong, McCarty, Pannell, Schenirer, Sheedy, and Mayor Johnson.

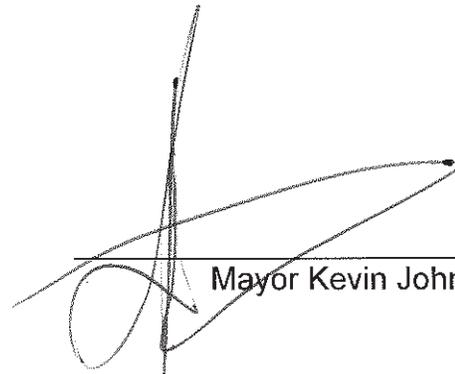
Noes: None.

Abstain: None.

Absent: None.

Attest:


Shirley Concolino, City Clerk


Mayor Kevin Johnson