



City of Sacramento City Council

18

915 I Street, Sacramento, CA, 95814
www.CityofSacramento.org

Meeting Date: 11/13/2012

Report Type: Public Hearing

Title: Third Party Appeal (Alexander Tkachenko) Elder Creek Market (P06-107) (Noticed on 10-29-12)

Report ID: 2012-00871

Location: District 6

Recommendation: Conduct a public hearing and upon conclusion adopt a) a Resolution declaring the project exempt from environmental review; and b) a Resolution approving Special Permits for the Elder Creek Market Project.

Contact: Antonio Ablog, Associate Planner (916) 808-7702, Community Development Department

Presenter: Antonio Ablog, Associate Planner (916) 808-7702, Community Development Department

Department: Community Development Dept

Division: Planning

Dept ID: 21001221

Attachments:

-
- 01-Description/Analysis
 - 02-Background
 - 03-Vicinity Map
 - 04-Land Use Map
 - 05-Applicant Appeal
 - 06-Resolution-CEQA
 - 07-Resolution-Entitlements
 - 08-Exhibit A - Site Plan
 - 09-Exhibit B - Floor Plan
 - 10-Exhibit C - Floor Plan Existing Building Deli and Take Away Counter
 - 11-Exhibit D - Elevations
 - 12-Exhibit E - Color Elevations

City Attorney Review

Approved as to Form
Paul Gale
10/31/2012 10:37:40 AM

City Treasurer Review

Reviewed for Impact on Cash and Debt
Russell Fehr
10/26/2012 12:57:06 PM

Approvals/Acknowledgements

Department Director or Designee: Max Fernandez - 10/30/2012 10:04:24 AM

Sandra Talbott, Interim City Attorney

Shirley Concolino, City Clerk

Russell Fehr, City Treasurer

John F. Shirey, City Manager



Description/Analysis

Issue: The applicant is requesting entitlements to expand an existing convenience market (Elder Creek Market) and allow the sale of beer and wine. This application has been reviewed by various city departments, including the Police Department. Amongst other conditions, the Police Department has placed conditions on the Special Permit that limit the sale of alcoholic beverages to beer and wine, prohibit single sales of beer, and limit the sale of alcoholic beverages to the hours between 8:00 a.m. and 11:00 p.m. On September 13, 2012, the Planning and Design Commission voted to approve a Special Permit to allow beer and wine sales, a Special Permit to expand the existing market, and a Special Permit to waive required parking. On September 19, 2012, a third party appeal of the Planning and Design Commission's decision was submitted along with a 12 page petition.

Policy Considerations: The 2030 General Plan land use designation for the site is Suburban Center. This designation is typically reserved for lower intensity single-use commercial development with a floor area ratio (FAR) between 0.25 and 2.00. As a retail store, the proposed Elder Creek Market expansion is consistent with land uses typical for this designation. The project's FAR of 0.39 is consistent with the FAR range within the Suburban Center designation. Additionally, the proposed project is consistent with the following General Plan policies.

- Neighborhoods as a Basic Unit. Recognizing that Sacramento's neighborhoods are the basic living environments that make-up the city's urban fabric, the City shall strive through its planning and urban design to preserve and enhance their distinctiveness, identity, and livability from the downtown core to well integrated new growth areas (LU2.1.1).
- Complete and Well-Structured Neighborhoods. The City shall promote the design of complete and well-structured neighborhoods whose physical layout and land use mix promote walking to services, biking, and transit use; foster community pride; enhance neighborhood identity; ensure public safety; are family-friendly and address the needs of all ages and abilities (LU 2.1.3).

The proposed market expansion will enhance the commercial services available at the subject site. It will give residents in the immediate vicinity convenient access to grocery items without having to leave the neighborhood.

Environmental Considerations:

California Environmental Quality Act (CEQA): The Community Development Department, Environmental Planning Services Division has reviewed this project and determined that it is exempt from the provisions of the California Environmental Quality Act (CEQA) under Class 1, Section number 15301 (Existing Facilities) as the project consists of a 2,200 square foot addition to an existing retail market.

Commission/Committee Action: The project was heard by the Planning and Design Commission on September 13, 2012. There were no members of the public signed up to speak for or against the project prior to the Commission taking action. The Planning and Design

Commission voted unanimously to approve the requested entitlements (11 ayes, 2 absent). On September 19, 2012 the Planning Commission decision was appealed by a third party citing that the neighborhood and surrounding area is strongly opposed the sale of alcoholic beverages. In accordance with Section 17.200.030 (F) of the Sacramento City Code, appeals to Planning Commission decisions are made to the City Council.

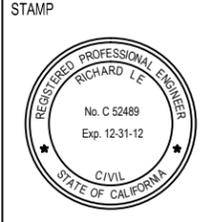
Rationale for Recommendation: Both staff and the applicant have made a significant effort to arrive at a project that is compatible with the subject site and surrounding neighborhood. Staff believes that current version of the plans represents a neighborhood scale market that will better serve the community than the existing market. Furthermore, the applicant has agreed to only allow the sale of beer and wine with no single sales of beer or malt beverages, and has agreed to a number of project conditions imposed by City Staff including the Police Department. Additionally, since the appeal of the project was filed, the applicant has agreed to a condition that limits the total shelf space dedicated to alcohol to 22.5 feet with 7.5 feet of that total allowed as refrigerated space. Staff supports the proposed project and recommends that the City Council approve the requested entitlements.

Financial Considerations: This project has no fiscal considerations.

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



REVISIONS		
DESCRIPTION	DATE	BY
△		
△		
△		
△		
△		

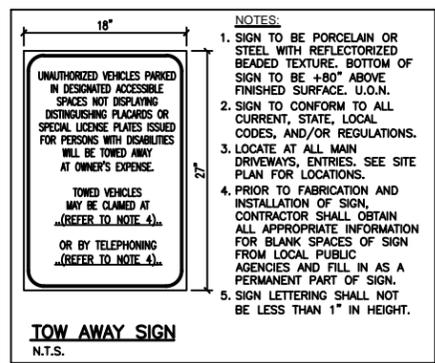


**ADDITION PLANS FOR
 ELDER CREEK MARKET
 7025 ELDER CREEK ROAD
 SACRAMENTO CA 95824**

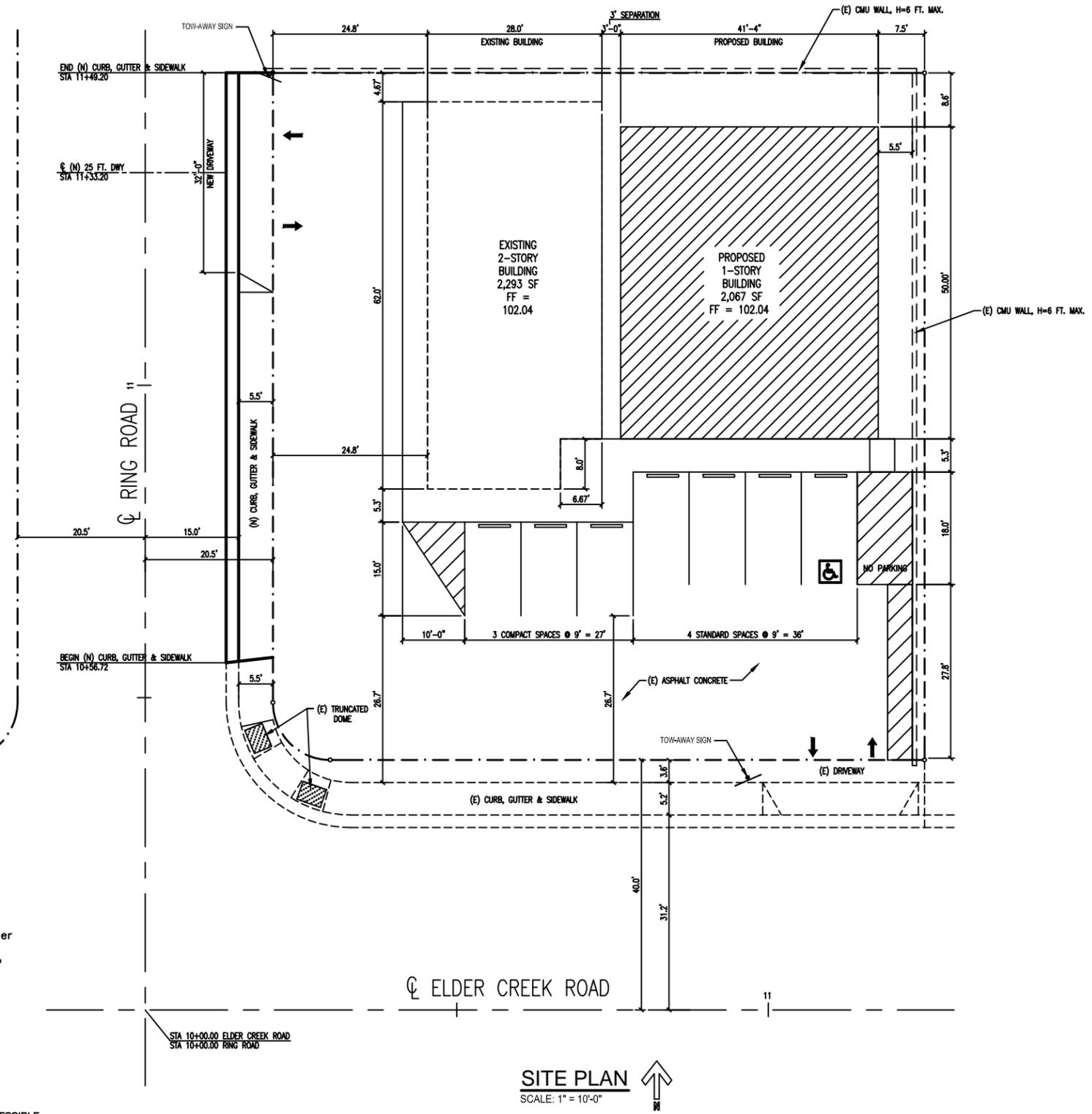
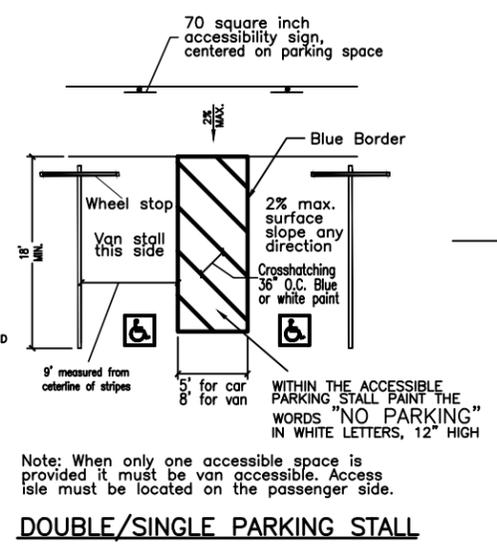
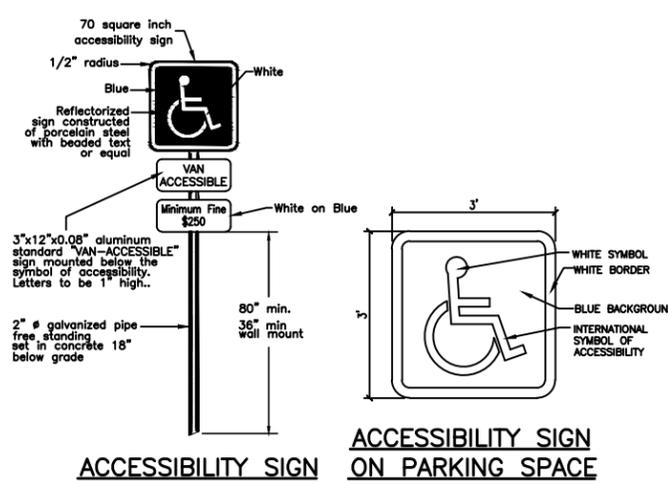
SHEET TITLE
SITE PLAN

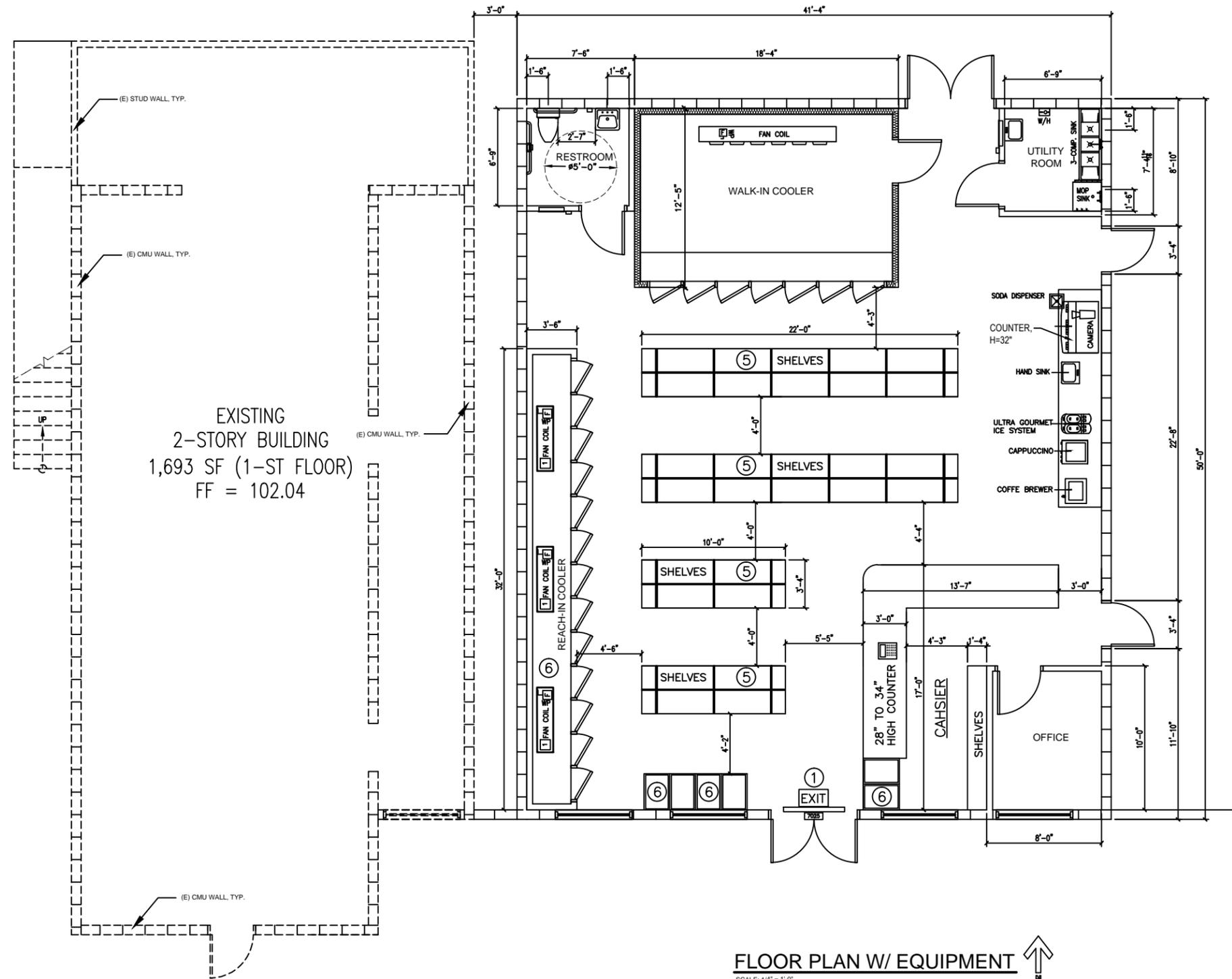
DATE 03/01/2012
 DRAWN BY RLE
 CHECKED BY RLE
 SCALE: AS-NOTED
 SHEET

SP



- NOTES:**
- SIGN TO BE PORCELAIN OR STEEL WITH REFLECTORIZED BEADED TEXTURE. BOTTOM OF SIGN TO BE +60" ABOVE FINISHED SURFACE. U.O.N.
 - SIGN TO CONFORM TO ALL CURRENT, STATE, LOCAL CODES, AND/OR REGULATIONS.
 - LOCATE AT ALL MAIN DRIVEWAYS, ENTRIES. SEE SITE PLAN FOR LOCATIONS.
 - PRIOR TO FABRICATION AND INSTALLATION OF SIGN, CONTRACTOR SHALL OBTAIN ALL APPROPRIATE INFORMATION FOR BLANK SPACES OF SIGN FROM LOCAL PUBLIC AGENCIES AND FILL IN AS A PERMANENT PART OF SIGN.
 - SIGN LETTERING SHALL NOT BE LESS THAN 1" IN HEIGHT.





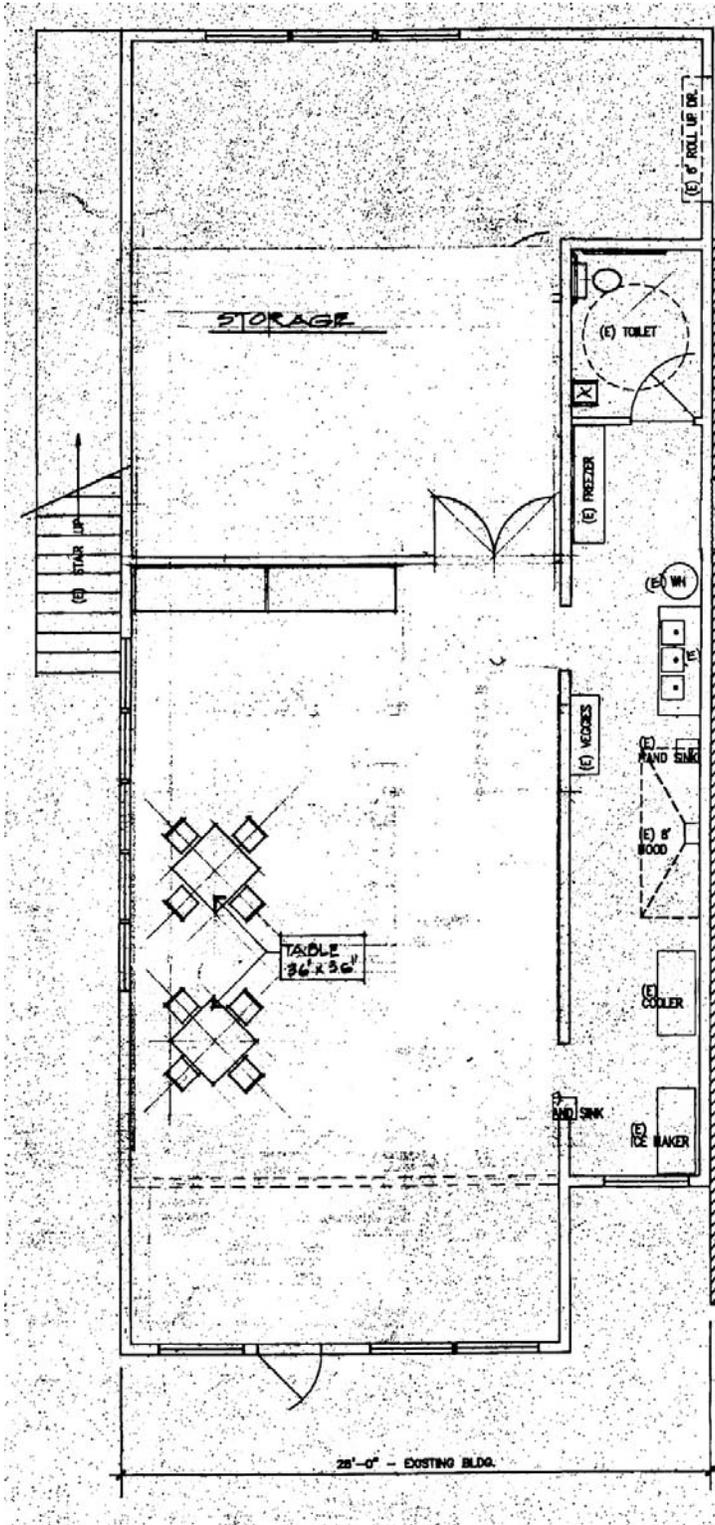
FLOOR PLAN W/ EQUIPMENT
SCALE: 1/4" = 1'-0"

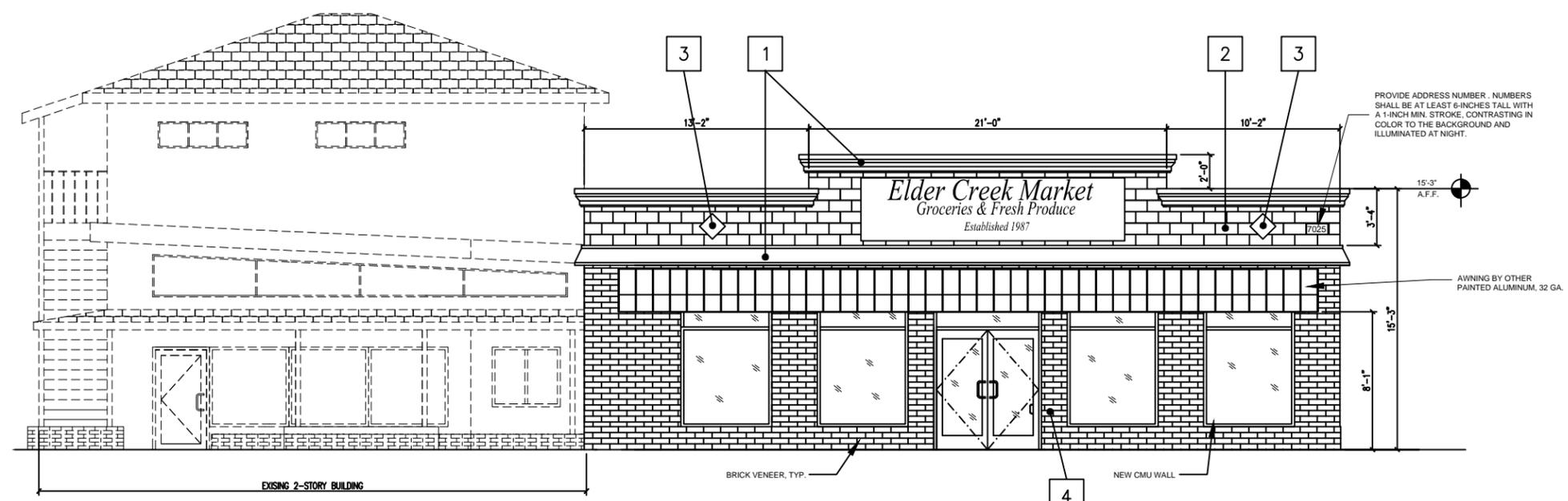
REVISIONS		
DESCRIPTION	DATE	BY
△		
△		
△		
△		



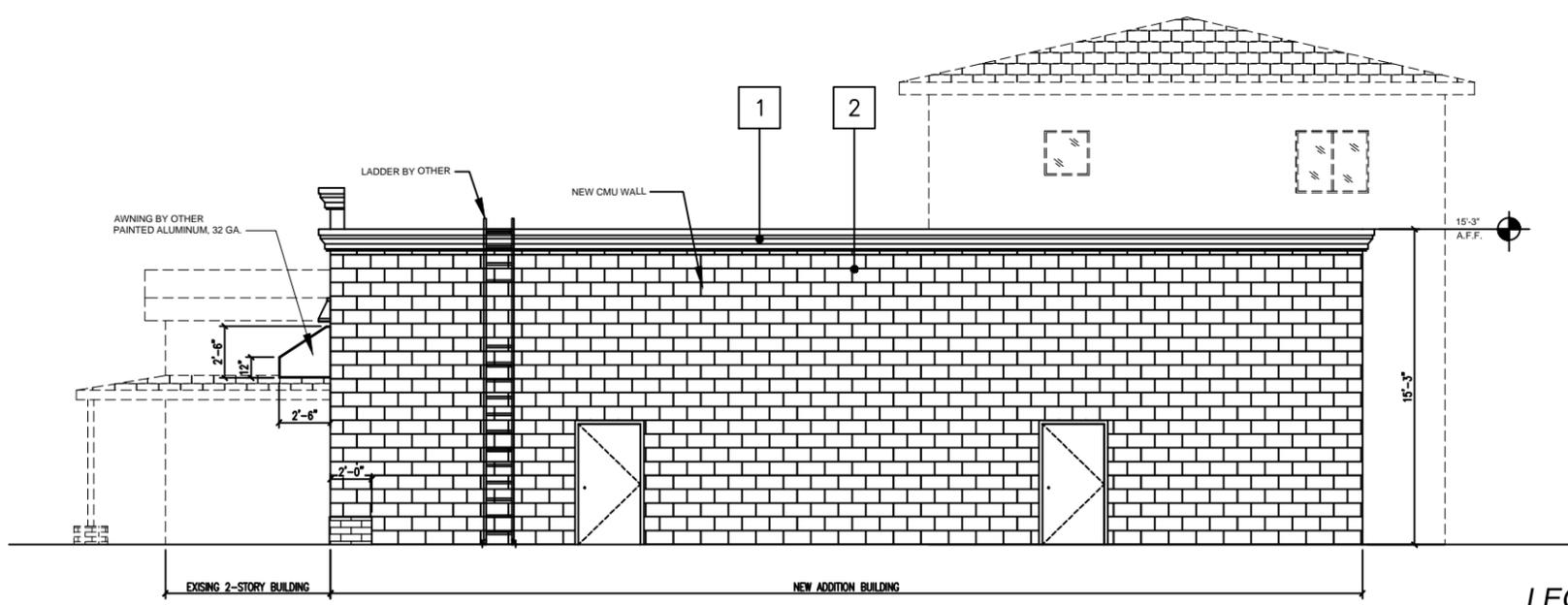
**ADDITION PLANS FOR
ELDER CREEK MARKET
7025 ELDER CREEK ROAD
SACRAMENTO CA 95824**

SHEET TITLE	
FLOOR PLAN W/ EQUIPMENT	
DATE	03/01/2012
DRAWN BY	RLE
CHECKED BY	RLE
SCALE:	AS-NOTED
SHEET	2





FRONT ELEVATION
SCALE: 1/4" = 1'-0"

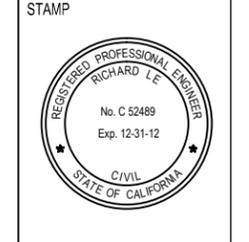


LEFT ELEVATION
SCALE: 1/4" = 1'-0"

LEGEND:

1	FOAM SHAPE CORNICE, TRIMS, COL. CAPITALS -	"VALSPAR" 2002-9B ROADHOUSE TAVERN
2	CMU BLOCK -	"VALSPAR" 2007-2C COSMIC CREAM
3	DIAMOND - ALUMINUM AWNING	"VALSPAR" 01253 BLUE RIBBON
4	BRICK VENEER	"VALSPAR" 2001-2C APRICOT ICE

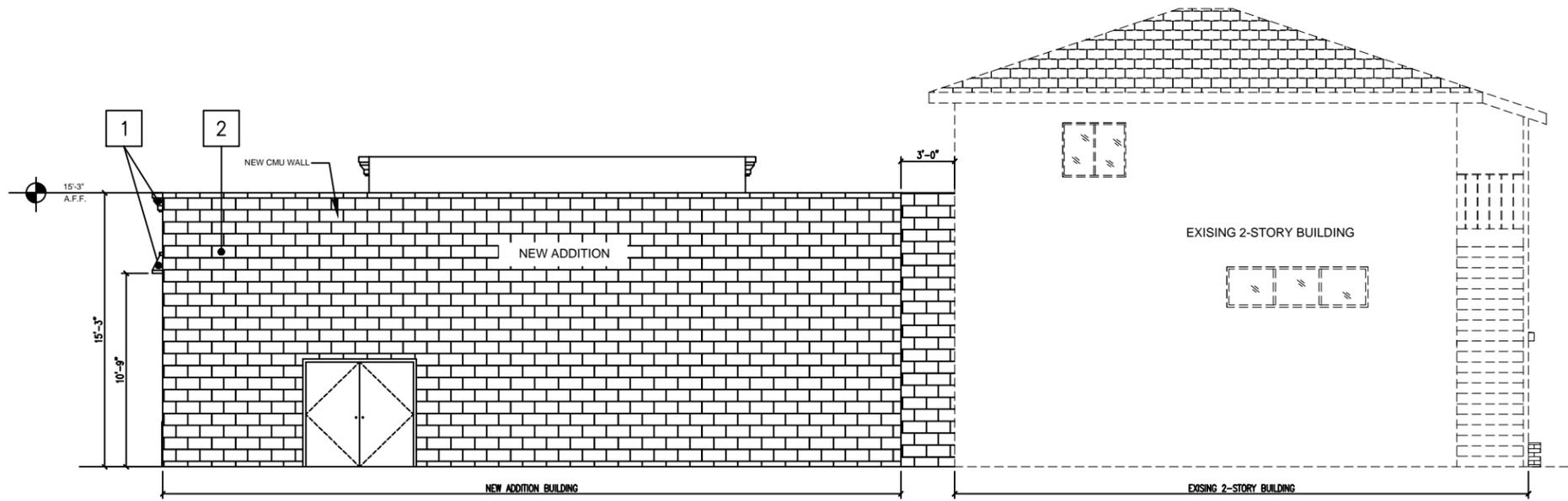
REVISIONS		
DESCRIPTION	DATE	BY



ADDITION PLANS FOR
 ELDER CREEK MARKET
 7025 ELDER CREEK ROAD
 SACRAMENTO CA 95824

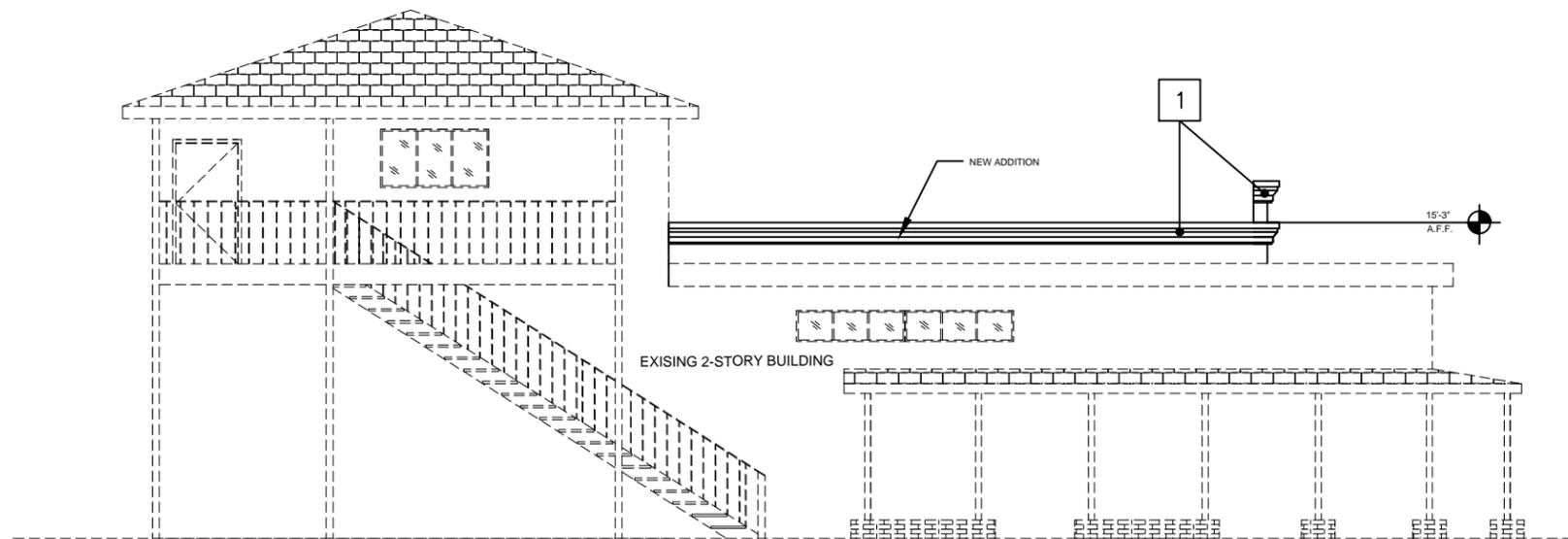
SHEET TITLE
ELEVATION PLAN

DATE	03/01/2012
DRAWN BY	RLE
CHECKED BY	RLE
SCALE:	AS-NOTED
SHEET	3a



REAR ELEVATION

SCALE: 1/4" = 1'-0"



RIGHT ELEVATION

SCALE: 1/4" = 1'-0"

LEGEND:

- | | | |
|---|---|---------------------------------------|
| 1 | FOAM SHAPE CORNICE,
TRIMS, COL. CAPITALS - | "VALSPAR" 2002-98
ROADHOUSE TAVERN |
| 2 | CMU BLOCK - | "VALSPAR" 2007-2C
COSMIC CREAM |
| 3 | DIAMOND - | "VALSPAR" 6001-6C
CLIVEDEN PASTURE |

REVISIONS		
DESCRIPTION	DATE	BY
△		
△		
△		
△		
△		

STAMP



ADDITION PLANS FOR
 ELDER CREEK MARKET
 7025 ELDER CREEK ROAD
 SACRAMENTO CA 95824

SHEET TITLE

ELEVATION
PLAN

DATE 03/01/2012

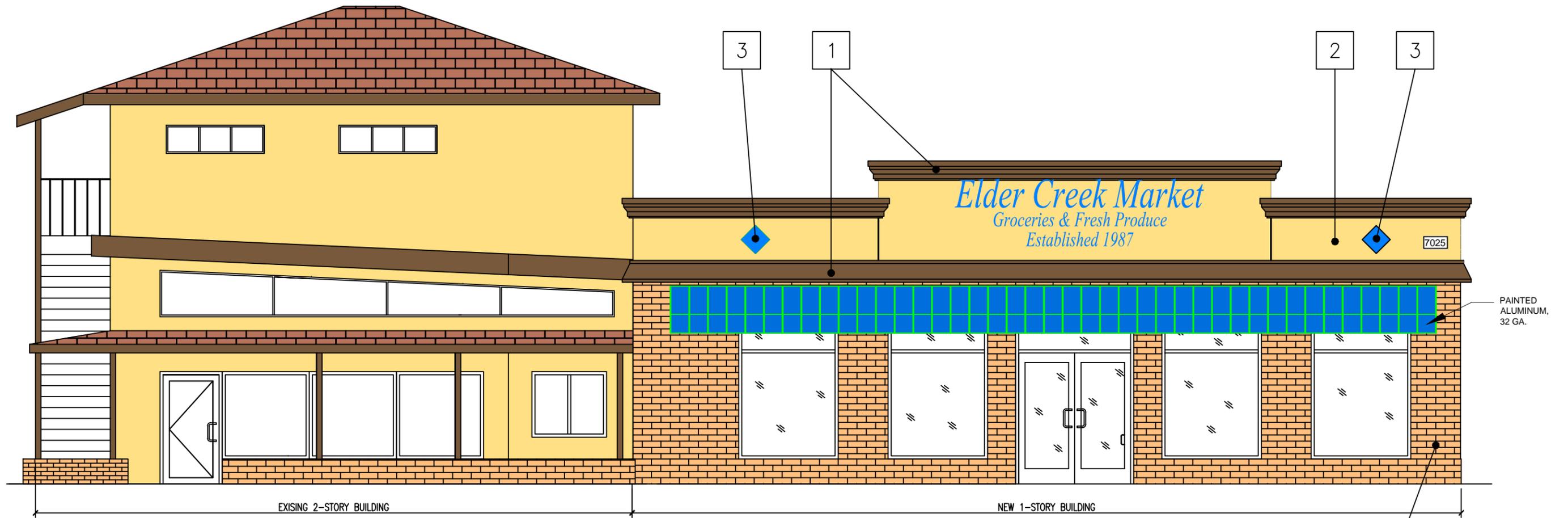
DRAWN BY RLE

CHECKED BY RLE

SCALE: AS-NOTED

SHEET

3b



EXISTING 2-STORY BUILDING

NEW 1-STORY BUILDING

PAINTED ALUMINUM, 32 GA.

FRONT ELEVATION

SCALE: 3/16" = 1'-0"

LEGEND:

- | | | |
|---|--|------------------------------------|
| 1 | FOAM SHAPE CORNICE, TRIMS, COL. CAPITALS - | "VALSPAR" 2002-9B ROADHOUSE TAVERN |
| 2 | CMU BLOCK - | "VALSPAR" 2007-2C COSMIC CREAM |
| 3 | DIAMOND - ALUMINUM AWNING | "VALSPAR" CI253 BLUE RIBBON |
| 4 | BRICK VENEER | "VALSPAR" 2001-2C APRICOT ICE |

4

Background

The applicant is requesting entitlements to expand an existing market and allow the sale of beer and wine. The 0.26 acre subject site is currently occupied by a 2,224 square foot, two-story building. A 1,664 square foot convenience market is located on the first floor and a 560 square foot office is located on the second floor. The site is surrounded by single-family residential development.

In the late 80's, the subject site was rezoned from the Multi-Family Review (R-3-R) zone to the Limited Commercial Review (C-1-R) zone as part of the South Sacramento Community Plan adoption. The conditions of approval for this rezone included the following approved uses:

- grocery store - beer and wine sales but no hard liquor sales (subject to the approval of a Special Permit); no all night operation; no gasoline sales; no drive-thru;
- dry cleaner, laundry services, or alterations shop;
- beauty or barber shop;
- hardware or variety store;
- delicatessen with restrictions set out for grocery store;
- florist shop;
- the residential occupancy of the rental unit above the commercial area can continue; and
- none of the above uses shall be operated on a 24-hour per day basis, and all uses shall be subject to all provisions of the City Zoning Ordinance.

A neighborhood convenience market was established on the site after it was rezoned and has been in operation since then. Concerning alcohol sales, an application was submitted for a special permit to sell beer and wine at the subject site on September 18, 1987 (P87412). The special permit to allow the sale of beer and wine was denied by the planning commission on November 12, 1987. This decision was appealed and the project went to City Council, but City Council also denied the special permit to sell beer and alcohol.

On June 25, 2002, the applicant again attempted to obtain a Special Permit to allow alcohol sales on the subject site. At the time, the applicant did not plan to expand the existing 1,664 square foot store and the applicant only proposes to make the interior changes necessary to accommodate the space needed for alcoholic beverages. This request was heard by the Planning Commission on July 24, 2003. There were several

neighbors in attendance who were opposed to the request. The Planning Commission debated the issuance of the Special Permit and ultimately voted to deny it. The Commission felt that the size of the store was too small to allow alcohol sales and recommended that the applicant bring back a project that provided a larger neighborhood scale convenience market so it could reconsider the request. The applicant opted to appeal the Commission's decision to deny the request. On September 30, 2003, the City Council also voted to deny the Special Permit, the basis for the denial was similar to the Planning Commission in the Council felt that the store was too small to accommodate full alcohol sales, including liquor.

On June 28, 2006, a third request was submitted to allow alcohol sales at the existing market. Throughout the processing of this project, the applicant has made a number of changes to the project. Some of these changes have been well received by staff, while others were rejected.

Most of the changes that were rejected by staff involved substantial expansions of the existing commercial market. At one time, the applicant proposed to demolish the existing building in order to construct a 4-story mixed-use building with ground floor commercial uses. This proposal was not well received by staff as it was out of character with the existing neighborhood. Another proposal involved merging several parcels to create a strip shopping center. This proposal was also rejected as it was incompatible with the surrounding uses.

After many rounds of revisions, the applicant has finally arrived at a project that staff believes is compatible with the existing neighborhood. The applicant has scaled the request back to a one-story addition to the existing building. The proposed new building will house the market while the existing building will be converted to a deli/take-away food service. Furthermore, the applicant has scaled back the alcohol sales request and is now requesting only beer and wine sales instead of a request to also allow sales of liquor.

Public/Neighborhood Outreach and Comments: Staff routed the proposal to various neighborhood advisory groups including the Avondale, Glen Elder Neighborhood Association, the Power Inn Alliance, and the Army Depot Redevelopment Area Committee (RAC). The applicant also presented the project at an Army Depot RAC meeting in the summer of 2011 when this group was still active. The applicant's project was well received and the RAC commended the applicant's proposal to rehabilitate the current site. The RAC had no issues with the request to sell beer and wine so long as single sales of beer were not allowed. Property owners within 500 feet of the site were notified of the Planning and Design Commission hearing.

No public comments were made on the project until after the Planning and Design Commission had conducted the hearing and approved the project. After the hearing a petition was presented to staff by a property owner in the neighborhood. Staff informed the property owner that the Commission had acted on the project and that a formal appeal of the Commission decision would need to be filed if there was dissatisfaction

with the Commission action. The appeal was filed on September 19, 2012 with the statement that the surrounding neighborhood was opposed to the sale of alcoholic beverages. Attached to the appeal was a 12 page petition signed by those opposed to the sale of alcoholic beverages.

Project Design

Land Use

The applicant proposes to expand the existing convenience market and allow beer and wine sales. The expansion of the existing market requires a Special Permit to expand a legal, non-conforming building and a Special Permit to waive parking. In addition to these entitlements, a Special Permit is required for the proposed beer and wine sales. The commercial building has been designed to complement the style and scale of the surrounding buildings and will be compatible with the surrounding residential uses. Though smaller neighborhood markets are typical of more dense areas of the city, corner commercial sites can be found throughout southeast Sacramento on some of the major roads. These businesses are generally scaled back retail stores meant to serve the needs of the immediate neighborhood. Staff generally finds such development compatible with the surrounding residential development.

The proposed Special Permit has been conditioned to only allow the sale of beer and wine. Beer has been conditioned to be sold in packages of six or more with malt based coolers allowed in factory packages of four or greater. Single sales of beer are prohibited. Wine has been conditioned to be sold in containers no less than 750ml with wine coolers allowed in packages of four or more.

Site/Building Plan

	<i>Required</i>	<i>Existing</i>	<i>New Building</i>
Front	25'	42'	51'
Rear	15'	4.5'	8.5'
Side	5'	52'	5.5'
Street Side	5'	24.8'	na
Height	35' Max	21'	12'

The applicant is proposing to construct a 2,200 square foot single-story addition on the east side of the existing building in order to expand the operations of the Elder Creek Market. The existing building is considered a legal, non-conforming building as it was legally constructed, but its 4.5' rear setback does not meet the 15' setback requirement. The market operations will move from the existing building to the new building, while the

existing building will be converted to a deli/take-away food service. Staff has conditioned the applicant to repaint and repair the existing building and screen or remove any existing rooftop mechanical screening.

Section 17.88.030 (2)(a)(iii) allows expansions or additions to a non-conforming building with the issuance of a Zoning Administrator Special Permit. Since the proposed project includes entitlements that must be heard by the Planning and Design Commission, the request for an addition to a legal non-conforming building is also being heard by the Commission.

Staff has reviewed a number of iterations of the expansion plans. Earlier versions of the plans depicted a four-story mixed use building that did not match the scale of the existing neighborhood. Staff recommended that the applicant scale back the proposal to a building that would have minimized its impact on the adjacent residential uses. The applicant has incorporated this recommendation into the current plans and has provided a greater rear setback (8.6') on the new building in relation to the existing building. The building complies with all other setback requirements. In order to further reduce its impact on adjacent properties, the applicant has reduced the height of the new building. The overall height of the parapet wall is 15.25' for most of the building, except on the front, where there will be a section with a 17.25' height. These heights are well within the height limits of the zone.

Though the building is proposed as painted concrete masonry block, the applicant will enhance the front elevation with brick accents to match the brick on the existing building. The applicant will also install an aluminum awning over the storefront window system.

As required by Zoning Ordinance Section 17.88.030, the proposed building addition requires a Special Permit for an addition to a legal, non-conforming building. Approval of the Special Permit requires the following findings to be made:

A. Sound Principles of Land Use. A Special Permit shall be granted upon sound principles of land use.

Approval of the Special Permit is appropriate as the size and location of the building have been modified to minimize impacts of the building on adjacent residential uses. The site is occupied by an existing convenience market. This use will expand, but will not change in nature. Additionally, the site is surrounded by existing development and existing infrastructure.

B. Not Injurious. A special permit shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a nuisance.

The approval of the building addition will not be detrimental to the public welfare and will not result in the creation of a public nuisance in that the use will not create a significant traffic impact or involve any uses typically associated with increases in noise, such as a drive through lane. The applicant has been conditioned to be responsible for the daily

removal of litter generated by the business on the subject site and adjacent streets and properties. Furthermore, the project plans have been reviewed by all applicable internal and external departments, all of which have found that the plans comply with development policies and standards, or have been conditioned to do so.

C. Must Relate to a Plan. A special permit use must comply with the objectives of the general or specific plan for the area in which it is to be located.

The proposed use provides a neighborhood market consistent with the General Plan designation of Suburban Center for the subject site.

Parking/Circulation

The site currently provides vehicle access on both Elder Creek Road and Ring Drive. Elder Creek Drive is a four lane road while ring drive is a residential street that lacks frontage improvements beyond the intersection at Elder Creek Road. The driveway on Elder Creek will be retained. The driveway on Ring Drive has been moved to the rear of the property to avoid traffic conflicts with the existing intersection.

The applicant proposes to operate a 2,200 square foot market from the existing building. The existing building will serve as a deli/take away food service with two tables proposed with a total of 8 chairs. The 600 square foot second floor office in the existing building will remain. The total parking requirement for all uses on the site is 11 spaces. There are currently 8 marked parking spaces on the subject site in front of the existing building, 4 of the spaces are adjacent to the entrance and 4 are diagonal spaces next to Elder Creek Road. With the redesign of the driveways and reconfiguration of the parking to meet the current development standards, only 7 parking spaces could be provided on site. Staff has visited the site on a number of occasions and has noted only 2-3 cars on the site at any given time.

With the expansion of the market, staff does not expect the parking demand to significantly increase and believes that 7 spaces are adequate as:

- Trips to the market will often be short so that each space would not likely be occupied for long lengths of time.
- The market is intended to be neighborhood scale and customers in the immediate neighborhood could walk or bike to the store.
- Moving the Ring Drive driveway to the rear of site, in conjunction with the required frontage improvements, will create 3 on-street parking spaces where there currently are none.

Special Permit to Reduce Parking

As required by Zoning Ordinance Section 17.64.010, requests to reduce the amount of required parking are subject to the approval of a Special Permit. Such waivers for commercial buildings less than 10,000 square feet are typically heard by the Zoning

Administrator. Since there are entitlements associated with this project that require Planning and Design Commission approval, this request must also be approved by the Commission. In order to approve the Special Permit, the following findings must be made:

A. Sound Principles of Land Use. A Special Permit shall be granted upon sound principles of land use.

The request to reduce the required amount of parking is based upon sound principles of land use as staff believes the parking demand for the proposed use can adequately be met with 7 spaces. The market will be a neighborhood serving market that is within walking or biking distance of the surrounding residential development.

B. Not Injurious. A special permit shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a nuisance.

The approval of the Special Permit will not be detrimental to the public welfare and will not result in the creation of a public nuisance in that the parking reduction will not impact any adjacent uses as 7 spaces will be provided on site and additional on-street parking spaces will be provided once the street improvements are constructed.

C. Must Relate to a Plan. A special permit use must comply with the objectives of the general or specific plan for the area in which it is to be located.

The proposed parking waiver is consistent with the General Plan goal to reduce the amount land dedicated to parking (M 6.1.4.)

Alcohol Sales

When the applicant applied for a previous Special Permit to sell alcohol, his request was for full liquor sales. The applicant has since scaled this back to a request for beer and wine sales. Beer has been conditioned to be sold in packages of six or more with malt based coolers allowed in factory packages of four or greater. Single sales of beer are prohibited. Wine has been conditioned to be sold in containers no less than 750ml, wine coolers allowed in packages of four or more.

Section 17.24.050(40) of the zoning code permits the sale of alcoholic beverage at this facility with the issuance of a special permit. In evaluating special permit proposals of this type, the Commission is required to make the following findings:

1. The proposed use will not adversely affect the peace or general welfare of the surrounding neighborhood.
2. The proposed use will not result in undue concentration of establishments dispensing alcoholic beverages.
3. The proposed use will not enlarge or encourage the development of a skid row or blighted area.

4. The proposed use will not be contrary to or adversely affect any program of redevelopment or neighborhood conservation.

The Zoning Ordinance also requires that the Planning Commission consider whether the proposed alcohol related use will detrimentally affect nearby residentially zoned areas, and give consideration to the distance of the proposed use from residential buildings and from churches, schools, hospitals, public parks, playgrounds, day care centers, and social welfare institutions. The closest sensitive uses to the site are churches approximately 800 feet from the subject site on Elder Creek Road, both to the east and to the west. There is an elementary school located approximately 800 feet to the southwest of the site; however it is on a separate street. The walking distance between the school and the project site is well over a quarter mile. Staff believes that the conditions placed on the Special Permit will mitigate any negative impacts that can be generated by the use.

The proposed use will not enlarge or encourage the development of a skid row or blighted area in that the project has been coordinated with the Police Department to provide on-site security measures. The proposed use will not be contrary to or adversely affect any program of redevelopment or neighborhood conservation in that the project consists of an additional to a pre-existing building.

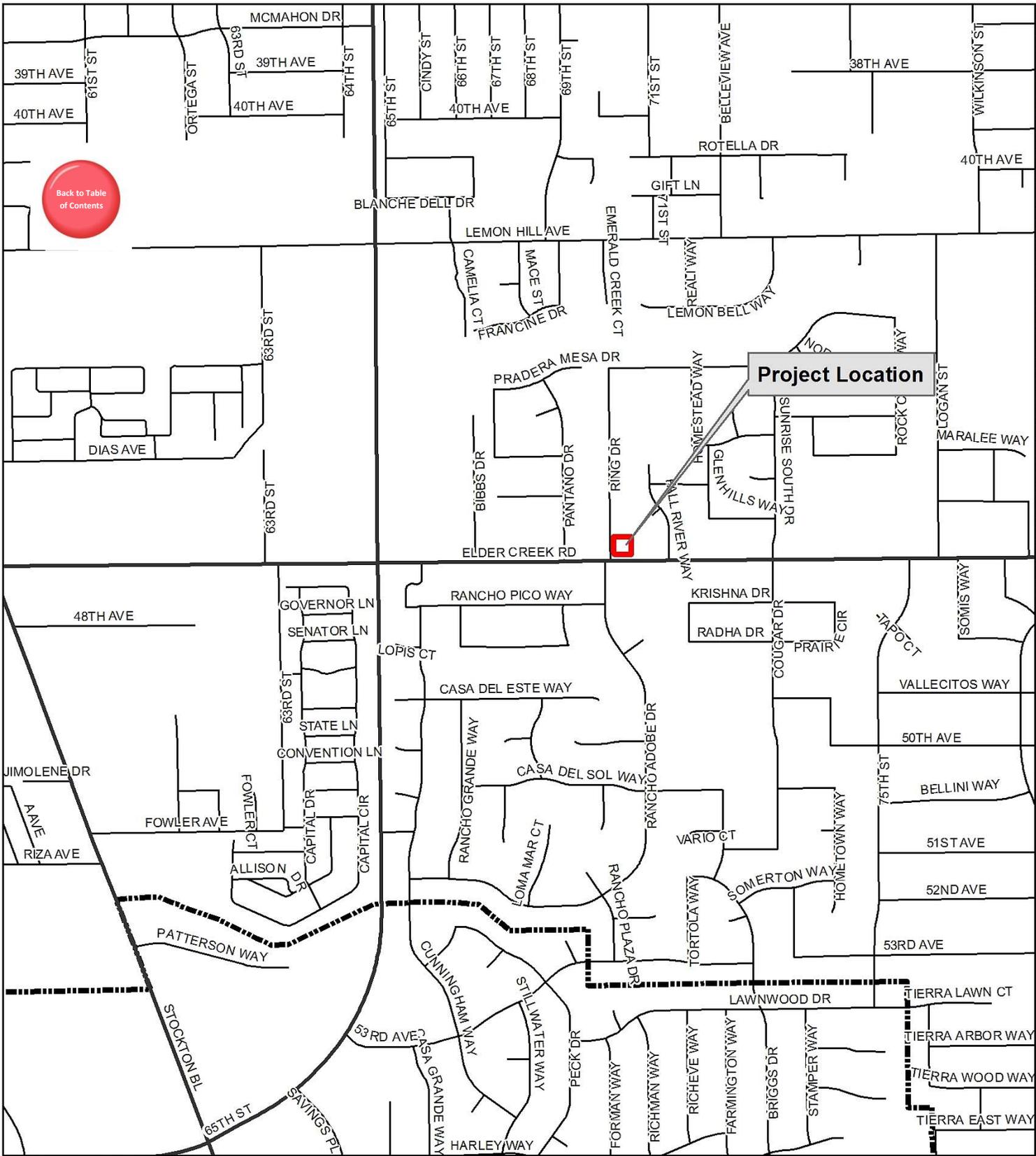
The beer and wine sales request has been reviewed by the Police Department. They have added several conditions to the project specific to alcohol sales including:

- Alcohol sales are limited to the hours between 8 A.M. and 11 P.M.;
- Beer/ ale shall be sold in original factory packages of a six pack or greater and malt based coolers shall be limited to packages of four or more;
- Wine and/or wine coolers must be sold in no less than 750 mil or 4-pack
- No distilled spirits or fortified wines shall be sold;
- Signs shall be posted prohibiting consumption of alcoholic beverages in the business or in the parking areas
- Closed-circuit color video cameras shall be employed to monitor the cash registers and the entrances. Closed-circuit video cameras shall also be installed to monitor all four exterior sides of the building.

Staff believes that the above conditions, in addition to the remaining project conditions, will prevent the proposed use from becoming a nuisance to the adjacent neighborhood.

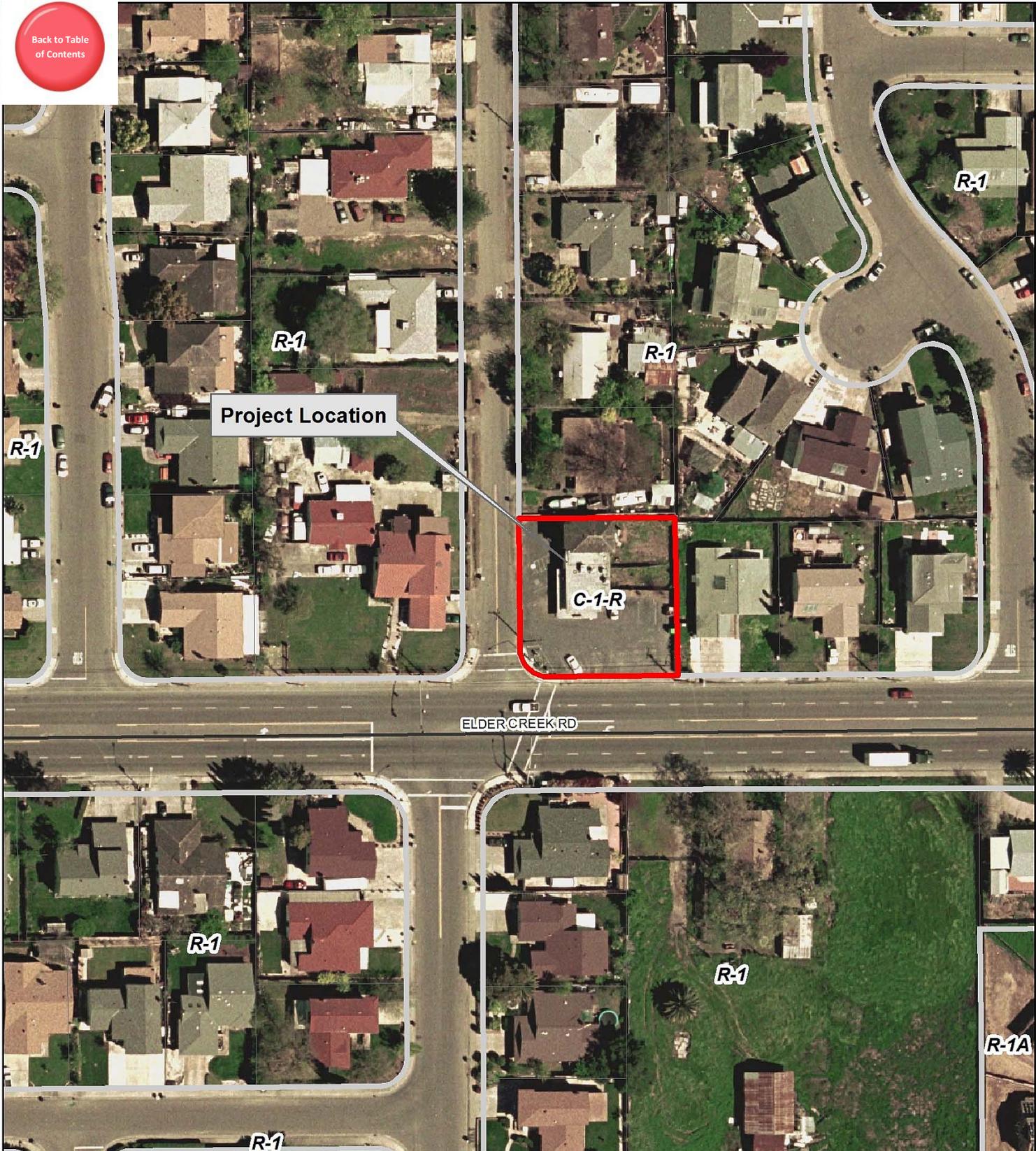
Conclusion:

Both staff and the applicant have made a significant effort to arrive at a project that works for the subject site. Staff continues to believe that the version of the plans presented to the commission represents a neighborhood scale market that is compatible with the surrounding uses. Furthermore, the applicant has agreed to only allow the sale of beer and wine with no single sales of beer or malt beverages. Staff supports the proposed project and recommends that the City Council approve the requested entitlements.



P06-106 Vicinity Map Elder creek Market





P06-106 Land Use Map Elder creek Market





Back to Table of Contents



Community Development Department
 300 Richards Boulevard 3rd Floor Sacramento, CA 95811
 Help Line: (916) 264-5011
 www.cityofsacramento.org/dsd



**Appeal Decision
 City of Sacramento Planning Commission**

Date: 9/19/12

To the Planning Director:

I do hereby make application to appeal the decision of the City Planning Commission on 09/13/2012 (date), for project number P 06-107.

<u> X </u>	Special Permit	for	<u>expansion of legal non-conforming building, to allow beer & wine sales, & reduce parking</u>
<u> </u>	Variance	for	<u> </u>
<u> </u>	"R" Review	for	<u> </u>
<u> </u>	Other	for	<u> </u>

 X Granted by the City Planning Commission
 Denied by the City Planning Commission

Property Location: 7025 Elder Creek Road (APN: 038 - 0350 - 040)

Grounds For Appeal: (explain in detail, you may attach additional pages)
Neighborhood/Surrounding area strongly opposed for the sales of alcoholic (any) beverages in the Southeast Village Neighborhood. (See attached documents)

Appellant: Alexander Tkachenko Daytime Phone: (916) 367-1479 (Jason)
(please print)

Address: 6312 Ring Dr Sacramento, CA 95824

Appellant's Signature: *[Signature]*

Please note that once this application is submitted to the City of Sacramento, your information may be subject to public record. However, please note that the City will not sell your data or information for any purposes.

THIS BOX FOR OFFICE USE ONLY

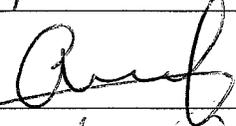
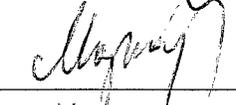
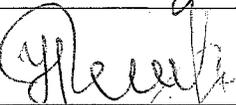
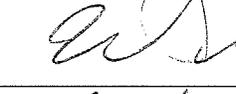
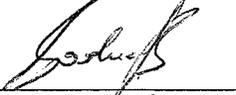
Filing Fee Received: Applicant (\$1,192) <u> </u>	Or Third Party (\$298) <u> X </u>
Received By: <u>awrecht</u>	Date: <u>09/19/2012</u>
Distribute Copies to: Planning Director <u>09/19/2012</u>	
Zoning Administrator <u>09/19/2012</u>	Original & Receipt in File <u>09/19/12</u>

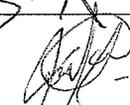
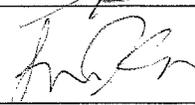
• (916) 264-5011 我們講中文 • Hablamos español • Мы говорим по-русски • מִדְבָּרִים בְּעִבְרִית וְבְיִיִדישׁ • Peh haas lus Hmooh • Chúng tôi nói tiếng Việt •

Petition Calling to Ban the Sales of Alcohol in our Neighborhood

We, the undersigned, call for swift action by local government to take following actions to protect our neighborhood from harm, domestic violence, and our children due to the easy access to alcoholic beverages that is sold in nearby stores around our neighborhood, Southeast Village. We urge the city to disallow the sales of any alcoholic beverages in the Southeast Village neighborhood area.

Signed:

No.	Name	Address (Optional)	Phone	Signature	Date
1	Yosminy A	6323 Ring Dr	916-317-9120	Yosny A	9-14-12
2	SEMI TV	6313 RING DR	4083761145		9.14.12
3	MARIKA R	-	-	Reitz	9.14.12
4	ESETA V	-	-	Katashi	9.14.12
5	Mario Diaz	6242 Ring Dr	4166907006	Mario Diaz	9/14/12
6	Jose Lopez	6243 Ring DR		Jose Lopez	9/14/12
7	DAVID SAWYER	6311 PANTANO DR	415- 0236 ³³⁶⁻⁰⁰²³	David Sawyer	9/14/12
8	J. Rivera	6870 EIDER CRACK		J. Rivera	9/14/12
9	Andrey Palenny	6318 Ring dr	916-281-7981		9/14/12
10	Marina Palenny	6318 Ring Dr.	(916)541-7910		9/14/12
11	ALEX PALENNY	6318 RING DR.	(916)544-2012	A. Palenny	9/14/12
12	Nadezhda Palenaya	6318 Ring Dr.	(916)476-6669		9/14/12
13	V. B		96)681-5749		9/14/12
14	Soslan Butayev		(916)224-6086		9/14/12
15	Luisiana	6306 Ring Dr	916 617 7441	LN	9-14-12

	Name	Address	Phone	Signature	Date
16	Petra Diaz	53 Cairnact Sac, 95828	916-387-7480	Petra Diaz	9-15-12
17	Michelle Diaz	3405 Smithfield Way Sac, 95826	503-928-0807	Michelle Diaz	9-15-12
18	Brittany Amber	53 Cairn Ct Sac, 95826	(916)-387-7480	Brittany	9-15-12
19	Mansela Gomes	3 Cairn Ct Sac, 95828	(916)386-8956	Mansela Gomes	9.15.12
20	Adolfo Segura	3 Cairn Ct Sac, 95828	(916)386-8956	Adolfo Segura	9-15-12
21	NASEER KHAN	11 CAINA CT SAC	916-288-0441	N. 	9-15-12
22	SHAISTA KHAN	11 CAINA CT	916-288-0441	S. K. 	9-15-12
23	Ernestina Bautista	7 Cairn Ct.	916-3838169		9-15-12
24	Perng Bautista	7 Cairn Ct	916-719-7457		9-15-12
25	KARINA SOTO	6511 38th AVE	916-821-5247	K. L. L.	9-15-12
26	Hadii Zamilcei	6501 Elder Creek Rd	916-870-4481	Hadii	9.15.12
27	Ryan Chavez	6501 Elder Creek	916-870-4481		9.15.12
28	Cardin	6501 Elder Creek Rd	916-388-2656	Cardin	9-15-12
29	Maria	6501 Elder Creek Rd.	916-498-9205		9-15-12
30	Gilberto	6501 Elder Creek Rd	916-692-4555		9-15-12
31	Alfredo	6501 Elder Creek Rd	916-1508-352		9-15-12
32	LYRIC KELLY	6501 ELDER CREEK RD.	916-488-0242		9-15-12
33	Renec Zamora	6501 Elder Creek Rd.	916-617-6159		9.15.12
34	FIFITA NAUFAHL	" "	916-519-1516	F. N.	9-15-12

	Name	Address	Phone	Signature	Date
35	Loxi Malapira	Creek Rd 6501 Elder	916 807-1564	Loxi M	9-15-12
36	Dagmar			Dagmar	9-15-12
37	Kohsat Lam	6501 Elder Creek Rd #73	916-753- 7475	Kohsat Lam	9-15-12
38	Bruce Homson	6501 Elder Creek Rd 78	916 519 5221	Bruce Homson	9-15-12
39	Anna Razo	7471 50th AVE SAC. CA 95828	(916) 477- 0224	Anna Razo	9-15-12
40	Jamie Razo	6501 Elder Creek Hwy 73 Sac Ca	916 670-5024	Jamie Razo	9-15-12
41	Alexandra Razo	6501 Elder Creek Hwy 73 Sac Ca 95824	916 381-2056	Alexandra Razo	9-15-12
42	Lakesha Drake	6501 Elder Creek 95824	916 856-7168	Lakesha Drake	9-15-12
43	Jamunah Drake	6501 Elder Creek #66 95824	916 856-7168	Jamunah Drake	9/15/12
44	Katrina Ramon		(916) 410-7999	Katrina Ramon	9/15/12
45	Kim Sanchez	Pantano Dr	916 225-0285	Kim Sanchez	9/15/12
46	Raquel Sanchez	Pantano Drive	929- 248-5032	Raquel Sanchez	9/15/12
47	Johneie O'Rourke	Pantano DR	710 186 72	Johneie O'Rourke	9-15-12
48	Tuan Nguyen	6275 Pantano Dr	916 381-1565 4785	Tuan Nguyen	9-15-12
49	Danh Hoang	"	"	Danh Hoang	"
50	Kevin Truong	6305 Pantano Dr	916 369-8371	Kevin Truong	9-15-12
51	Eneida Wences	6303 Pantano Dr	(916) 386-3092	Eneida Wences	9-15-12
52	Aris Escobar	7034 Pantano Dr	916 544-3240	Aris Escobar	9/15/12
53	Yen Huu	6335 Pantano Dr	(916) 475-5512	Yen Huu	9/15/12

	Name	Address	Phone	Signature	Date
54	ANDREW BOOKER	6329 PANTANO	916-2120927	Andrew Booker	9/15/12
55	Timmy Pound	6232 Ring Dr	(916) 254-9168	Timmy Pound	9/15/12
56	Jenitha Kios	"	"	Jenitha Kios	9/15/12
57	Tanou Nitchai		916-233-8470	Tanou Nitchai	9/15/12
58	Slavic Palenyj	6318 Ring Dr	916-718-2816	Slavic Palenyj	9/15/12
59	Viktor Palenyj	6318 Ring Dr	116 5831393	Viktor Palenyj	9/15/12
60	MAR 10 RANING	4752 CANTONWAY BURLINGAME	449 647 4474	MAR 10 RANING	9/15/12
61	JEFF LANGRAN	7875 BECK CT SPC 75928	916-200-7000	JEFF LANGRAN	9/15/12
62	Malvina Merva		(916) 719-0103	Malvina Merva	09/15/12
63	Tyler Creswell	6248 Ring Dr	(419) 985-9798	Tyler Creswell	9/15/12
64	SHARON MAHER Sharon Maher	6240 Ring Dr	916-308-6422	Sharon Maher	9/15/12
65	Deborah Talbot	6227 Ring Dr	916 532-5609	Deborah Talbot	9/15/12
66	JILL LAI	7010 ROCK CREEK	273-2973	JILL LAI	9/15/12
67	SCOTT LUI		916-511-2797	SCOTT LUI	9/15/12
68	PANG THAO	7071 Rock Creek	916-381-2847	PANG THAO	9-15-12
69	SHUO	7071 Rock Creek	916-381-2847	SHUO	9/15/2012
70	chou yang	" "	916-381-2847	chou yang	9/15/2012
71	Pang Thao	7061 ROCK CREEK way	916-214-7666	Pang Thao	9/15/12.
72	chian Thao	" "	916-386-8871	chian Thao	9/15/12.

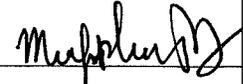
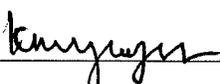
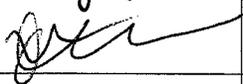
	Name	Address	Phone	Signature	Date
92	Lisa Frank	6429 Rancho Adobe Dr. Sac	916-386-9970	Lisa Frank	9/15/12
93	Eary Frank	6429 Rancho Adobe	916/386-9970	Eary Frank	9-15-12
94	Ann Ch...	6429 Rancho Adobe		Ann Ch...	9-15-12
95	Cheryl Hill	6429 Rancho Adobe	916 383 6429	Cheryl Hill	9-15-12
96	Valta Adger	6429 Rancho Adobe	916	Valta M. Adger	9/15/12
97	Diana Hoang	6825 RIMMUD PICO WAY	916 893 3688	Diana Hoang	9/15/12
98	Manuel Ramirez	6745 RANCHO PICO	916-386-273	Manuel Ramirez	9-15-12
99	Lafonso St...	3268 10th ave	916 457-666	Lafonso St...	9/15/12
100	Mary A Cut	6725 RANCHO PICO WAY		Mary A Cut	9/15/12
101	Vera Trachena	6312 Ring Drive	(916) 208-0702	Vera T.	9/15/12
102	TUONG PHAN	6500 Elder Creek Sacto, CA 95824	916.272.0198	Tuong Phan	9/16/2012
103	Chien Soy	6910 Elder Creek Sacto, CA 95824	(916) 341-8657	Chien Soy	9/15/12
104	Jenna Willis	7200 Elder Creek Sacto CA 95824	916 893-5588	J Willis	9/15/12
105	BEVERLY WATKIN	7000 Box 5913 Sacto, CA 95817	916) 862-9660	B Watkin	9/15/12
106	SALVADOR PINEIRA	7125 STEWART WAY SACTO. CA 95824	(916) 383-4699	Salvador P.	9/16/12
107	Anthony	7085 Eldercreek SACTO CA 95824	(916) 443-6285	Anthony Day	9/16/12
108	Pruey	6357 Elder Creek Sacto. 95824	916-531-0513	Pruey	9/16/12
109	Jan Y HE	6341 Fall River Way Sacto 95824	916-233-8359	Jan Y He	9/16/12
110	Athena Th...	6333 Fall River Way Sacto 95824	(916) 301-2072	Athena Th...	9/16/12

	Name	Address	Phone	Signature	Date
111	Elizabeth Koch		N/A	Elizabeth Koch	9-16-12
112	TOM STAPLETON	6629 ELDER CREEK		Tom Stapleton	09-16-12
113	Vivree Bekweide	6674 ELDER CREEK	N/A	Vivree Bekweide	9-16-12
114	LARRY LA	7453 Rancho	N/A	Larry La	9-16-12
115	Michael	8514 Temple Way	NA	Michael	09/16/12
116	Vincent Schwede	9288 Rose Parade Way	N/A	Vincent Schwede	9/16/12
117	Felicia	2905 SHERIDAN	N/A	Felicia	9/16/12
118	Alexis Fonseca	10247 Ring Dr	916 807 3418	Alexis Fonseca	9-16-12
119	Anna Grechko	7773 Southbreeze Dr. Sacramento CA 95825	916 488-9695	Anna Grechko	9-16-12
120	Myrtle Henson	6485 Rancho	916 379-9317	Myrtle Henson	9-16-12
121	Kim Tram	5 Ramona Loma Ct	(916) 383-4826	Kim Tram	9.16.12
122	Sergey Grechko	7773 Southbreeze Dr	(916) 832-7509	Sergey Grechko	9/16/12
123	Divine Herron	6515 Rancho Adobe Dr.	(916) 893-4523	Divine Herron	9/16/12
124	DAVID STANK	6570 RANCHO ADOBE	(916) 383-6870	David Stank	9/16/12
125	William Alegria	6510 Rancho Adobe Dr		William Alegria	
126	Pamela Ly	6785 Rancho Pico Way	248.6698	Pamela Ly	9/16/2012
127	Seng chao	7029 MESA GRANDE	916-478-1315	Seng chao	9/16/2012 ³
128	MARK LU	7028 Mesa Grande	916-688-2632	Mark Lu	9/16/2012 ¹²
129	Andra Luke	7011 Mesa Grande	916-386-9114	Andra Luke	9/16/12

	Name	Address	Phone	Signature	Date
149	Wesley Tran	6336 Fall River Way	(916) 549-4322	Wesley	9/16/12
150	Thanh Tran	"	"	Thanh	9/16/12
151	Erica Saechao	6328 Fall River Way	(916) 387-9912	Erica Saechao	9/16/12
152	Koi Saechao	"	"	Koi Saechao	9/16/12
153	Choy Saechao	"	"	Choy Saechao	9/16/12
154	Mikel Garcia	6332 Fall River Way	862-7291	Mikel Garcia	9/16/12
155	RICK M	6407 Fall River	916-3083855	RICK M	9/16/12
156	A. Ha	6312 Fall	266-0886	A. Ha	9/16/12
157	E. Saechao	7165 McKinley	383-3205	E. Saechao	9/16/12
158	UTO SUSHI	7165 " "	"	UTO SUSHI	9/16/12
159	Lyn Tan	7140 Glendale Way		Lyn Tan	9-16-12
160	Felipe D	6332 Glen Hills		Felipe D	9-16-12
161	JUAN	6594 Glen Hills	3880836	JUAN	9 16 12
162	SMATEO	6347 Glen Hills Way	916 410-2647	SMATEO	9-16-12
163	Trung Nguyen	6352 Glen Hills Way	916 266-1938	Trung Nguyen	916 266-1938 9/16/12
164	Sach Nguyen	"	916-281-0980	Sach Nguyen	9/16/12
165	Ron Duran	5880 55 St	271-9239	Ron Duran	9-16-12
166	MANUEL DEBARRIS	55 ST STREET	271-9239	MANUEL DEBARRIS	9-16-12
167	Maria Sidhu		916 705 9679	Maria Sidhu	9-16-12

JM

	Name	Address	Phone	Signature	Date
168	Tasha HOOKS	7511 Mandry	(916) 821-7701		9/16/12
169	Blenda Ball	3624 Reel Cir	916 244 3355		9/16/12
170	Carolee Jones	2457 1/2 St	916 206 3377		9-16-12
171	Martha Walker	4221-26th AVE	916-549-6817	Martha Walker	9-16-12
172	Jessie B. B.	2444 Edison Ave	916) 604-1064	Mechelle Beche	9-16-12
173	Brianne Area	8057 Braemore	916 652-1444		9/16/12
174	Romana Wilson	8057 Braemore dr	916 271 6473		9-16-12
175	Lazarus Bolton	954 North Ave Apt 2	916 275-0302		9-16-12
176	Korea Bolton	955 North Ave Apt 2	916 317-9576		9-16-12
177	Destiny Hudson	7511 mandry dr.	(916) 271-8711		9-16-12
178	Jasmine Hudson	7511 Mandry Drive	(916) 271-8650	Jasmine H.	9-16-12
179	Maksim Gvachkovsky	7773 Southbraze Drive	(916) 873 2824		9/16/12
180	YER THAO	6993 mesa Grande ct	916-383-4417		9/16/12
181	Choi Saewong	6993 mesa Grande ct	530-400-9269		9/16/12
182	Susan Ekasala	6974 mesa grande ct	916 383 7577		9/16/12
183	Paul Nguyen	6938 mesa grande CT	916 388-1055	Paul	9-16-12
184	DINH HOA	" " "	" " "		9-16-12
185	Splara	6907 Mesa Grande	202 1852		9/16/12
186	Donna Spang	6911 mesa grande	916 647-1235		9/16/12

	Name	Address	Phone	Signature	Date
187	Minh Dang	6324 Ring Dr	916 3836822		9/16/12
188	Chanh Dang	"	"		9/16/12
189	Kem Don Nguy	"	"		9/16/12
190	Darya Palenyy	6318 Ring Drive	916-868-4060		9/17/12
191					
192					
193					
194					
195					
196					
197					
198					
199					
200					

Petition Calling to Ban the Sales of Alcohol in our Neighborhood

We, the undersigned, call for swift action by local government to take following actions to protect our neighborhood from harm, domestic violence, and our children due to the easy access to alcoholic beverages that is sold in nearby stores around our neighborhood, Southeast Village. We urge the city to disallow the sales of any alcoholic beverages in the Southeast Village neighborhood area.

Signed:

Name	Address (Optional)	Phone	Signature	Date
Mary Hudson	7511 Mandy Dr - SAC, CA 95823	(916) 247-8500	Mary Hudson	9/16/2012
Tony Pierce	2200 Babut way	(916) 821-5705	Tony Pierce	9/16/2012
Darlene Hardin	4821 Van Stuyvenant EIK Grove, CA 95757	916-834-1140	Darlene Hardin	9-16-2012
Keith Hardin	4821 Van Stuyvenant EIK Grove, CA 95757	916-317-1962	Keith Hardin	9-16-2012
Brandi Stafford	P.O. Box 298222 SAC, CA 95829	916-519-4473	Brandi Stafford	9/16/2012
Shanette Cook	5223 Olivet ^W	(916) 470-3600	Shanette Cook	9/16/12
Raven Gandy	2916 C South meadows Pl	916 628 6789	Raven	9/16/12
Jiffany Hall	3891 Pine St Sac, Ca. 95838	404 729-1747	Jiffany Hall	9-16-12
Lysha Cad	8057 Breamore	(916) 271-9155	Lysha	9/16/12
Kavasia Wilson		(916) 271-0530	Kavasia Wilson	9/16/12
Gregory Gason	9661 Marfingale Wilton, CA 95695	476-3577	Gregory Gason	9/16/12
Melissa Thomas	15 Leroy	(916) 317-3687	Melissa Thomas	9-15-12
Tashina Dunbar	7511 Mandy	(205) 353-1938	Tashina Dunbar	9/16/12
Freddie Hudson	7511 Mandy	(916) 504-7496	Freddie Hudson	9/16/12
Jazzie Hudson	7511 Mandy	(916) 271-7807	Jazzie Hudson	9/16/12



RESOLUTION NO.

Adopted by the Sacramento City Council

DETERMINING THE ELDER CREEK MARKET PROJECT EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (P06-107)

BACKGROUND

- A. On September 13, 2012 the City Planning and Design Commission conducted a hearing on, and approved the Elder Creek Market Project.
- B. On September 19, 2012 a third party appeal was filed to the Planning and Design Commission decision.
- C. On November 13, 2012 the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(1)(d), and received and considered evidence concerning the Elder Creek Market.
- D. The City of Sacramento’s Environmental Planning Services has reviewed the Elder Creek Market (P06-107) (“Project”) and has determined the Project is exempt from the California Environmental Quality Act under California Environmental Quality Act Guidelines: Section 15301-Existing Facilities

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 15301 of the California Environmental Quality Act Guidelines as follows:

- a. This project consists of the construction of a 2,200 square foot addition to an existing retail market..



Resolution –Project Entitlements

RESOLUTION NO.

Adopted by the Sacramento City Council

ADOPTING FINDINGS OF FACT AND APPROVING THE ELDER CREEK MARKET PROJECT (P06-107)

BACKGROUND

- A. On September 13, 2012 the City Planning and Design Commission conducted a hearing on, and approved the Elder Creek Market Project.
- B. On September 19, 2012 a third party appeal was filed to the Planning and Design Commission decision.
- C. On November 13, 2012 the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(1) (a) and (c) (publication and mail (500 feet)), and received and considered evidence concerning the Elder Creek Market 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 Elder Creek Market, the City Council approves the project entitlements (a special permit to allow beer and wine sales, a special permit to expand the existing market, and a special permit to waive required parking) based on the findings of fact and conditions of approval set forth below:

- A. The **Special Permit** allow beer and wine sales 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 beer sales will be limited to packs of 6 or greater and wine sales will be limited to bottles of 750ml or greater. Furthermore the sale of distilled spirits and fortified wines will be prohibited.
 - 2. The proposed use will not result in undue concentration of establishments dispensing alcoholic beverages as the closest retail operation allowed to sell alcoholic beverages for off-site consumption is more than half a mile from the subject site.

3. The proposed use will not enlarge or encourage the development of a skid row or blighted area as the conditions require the applicant to rehabilitate the existing structure and remove project generated trash and debris from adjacent streets and properties.
4. The proposed use will not be contrary to or adversely affect any program of redevelopment or neighborhood conservation as the project site is not in any area overseen by a redevelopment program.

B. The Special Permit to expand a legal, non-conforming structure is approved based on the following findings of fact:

1. The Special Permit is granted upon sound principles of land use in that approval of the Special Permit is appropriate as the size and location of the building have been modified to minimize impacts of the building on adjacent residential uses. The site is occupied by an existing convenience market. This use will expand, but will not change in nature. Additionally, the site is surrounded by existing development and existing infrastructure.
2. Granting 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 use will not create a significant traffic impact or involve any uses typically associated with increases in noise, such as a drive through lane. The applicant has been conditioned to be responsible for the daily removal of litter generated by the business on the subject site and adjacent streets and properties. Furthermore, the project plans have been reviewed by all applicable internal and external departments, all of which have found that the plans comply with development policies and standards, or have been conditioned to do so.
3. The Special Permit use must comply with the objectives of the General Plan in that it provides a neighborhood market consistent with the General Plan designation of Suburban Center for the subject site.

C. The Special Permit to waive required parking is approved based on the following findings of fact:

1. Granting of the Special Permit is based upon sound principles of land use in that staff believes the parking demand for the proposed use can adequately be met with 7 spaces. The market will be a neighborhood serving market that is within walking or biking distance of the surrounding residential development.

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 parking reduction will not impact any adjacent uses as 7 spaces will be provided on site and additional on-street parking spaces will be provided once the street improvements are constructed.
3. The parking reduction complies with the objectives of the General Plan in that the parking waiver is consistent with the General Plan's goal to reduce the amount land dedicated to parking (M 6.1.4.)

Conditions of Approval

- B. The **Special Permit** to allow beer and wine is hereby **approved** subject to the following conditions:

Police

- B1. Alcohol sales are limited to the hours between 8:00 AM and 11:00 PM.
- B2. Beer, ale, and/or malt beverages shall be sold in the original factory packages of a six pack or greater, except malt based coolers.
- B3. Wine and/or wine coolers must be sold in no less than 750 ml containers or 4 pack containers.
- B4. A maximum of 22.5 total lineal feet of shelf space allowed for alcohol sales with a maximum of 7.5 lineal feet of the total allowed for refrigerated shelf space for alcohol sales.
- B5. No fortified wines shall be sold.
- B6. No distilled spirits shall be sold.
- B7. No advertising of beer or wine sales shall be allowed on exterior signs or window signs.
- B8. The main cashier shall be equipped with a central station silent robbery alarm system and telephone.
- B9. Any rear door used to admit employees or deliveries shall be equipped with a 180 degree viewing device to screen persons before allowing entry.
- B10. Height markers which display height measurements are required on the interior doorway of the business.
- B11. All exterior lighting fixtures shall be maintained and operational.

- B12. No public telephone/pay phone shall be allowed on the premises.
 - B13. The applicant shall post the property No Trespassing / No Loitering in accordance with section 602(k) of the California Penal Code, and sign an enforcement agreement with the Sacramento Police Department to prosecute all violators.
 - B14. Signs shall be posted prohibiting consumption of alcoholic beverages in the business and in the parking lot areas. The proprietor, or their agent, shall immediately disperse loiterers in order to prevent a nuisance or unreasonable interference with adjacent properties.
 - B15. There shall be no video/arcade machines maintained upon the premises at any time.
 - B16. All dumpsters must be kept locked.
 - B17. The applicant shall be responsible for the daily removal of all litter generated by the business, from the subject site, adjacent properties and streets.
 - B18. Closed-circuit color video cameras shall be employed to monitor the cash registers and the entrances.
 - B19. The recording device shall be a digital video recorder (DVR) capable of storing a minimum of 30 days worth of activity.
 - B20. The DVR must be kept in a secured area that is accessible to only the management.
 - B21. Television style monitors should be mounted in a visible location near the entrance so that patrons can clearly see their activities are being monitored when they enter through the front door.
 - B22. Closed-circuit color video cameras should also be used in the parking lot area to create comprehensive coverage. Parking lot cameras often make an immense impact during the investigation of a crime.
 - B23. 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 shall be subject to Section 17.212.080 of the City Zoning Code (Revocation of a Special Permit).
- C.** The **Special Permit** to expand a legal, non-conforming structure is approved based subject to the following conditions:

Planning

- C1. The project shall be constructed in conformance with the approved revised plans included as Exhibits to report. Any modification to the project shall be subject to review and approval by Planning Staff prior to issuance of building permit and may result in a requirement for additional entitlements.
- C2. The applicant shall repair the existing structure and repaint it to match the addition
- C3. All rooftop mechanical equipment on the original building shall be either removed or screened from view from the public right-of-way.
- C4. The applicant shall be responsible for the daily removal of all litter generated by the business, from the subject site, adjacent properties and streets.

Public Works

- C5. Construct standard public improvements as noted in these conditions pursuant to Chapter 18 of the City Code. Improvements shall be designed to City Standards and assured as set forth in Chapter 18.04.130 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Department of Transportation. Any public improvement not specifically noted in these conditions shall be designed and constructed to City Standards. This shall include the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk per City standards to the satisfaction of the Department of Transportation.
- C6. The applicant shall construct full frontage improvements along Ring Drive, adjacent to the subject property, consistent with the City standard 41-ft right-of-way street cross-section. This shall include the **removal of the existing driveway** close to the intersection of Ring Drive and Elder Creek Road. The design and construction of said improvements shall be per City standards to the satisfaction of the Department of Transportation.
- C7. The new driveway being proposed along Ring Drive adjacent to the subject property shall be located as far north of the intersection as possible, as shown on the site plan dated 03/01/2012, and shall be designed and constructed to City Standards to the satisfaction of the Department of Transportation.
- C8. The existing driveway along Elder Creek Road shall be redesigned and repaired to meet current ADA and City standards to the satisfaction of the Department of Transportation.
- C9. The site plan shall conform to the parking requirements set forth in chapter 17 of City Code (Zoning Ordinance).

- C10. The design of walls fences and signage near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). The area of exclusion shall be determined by the Department of Transportation.

Fire

- C11. 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. CFC 501.4
- C12. Provide a water flow test. (Make arrangements at the Permit Center walk-in counter: 300 Richards Blvd, Sacramento, CA 95814). CFC 508.4
- C13. Provide appropriate Knox access for site. CFC Section 506
- C14. 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.
- C15. 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.
- C16. An approved fire control room shall be provided for all buildings protected by an automatic fire extinguishing system. Fire control rooms shall be located within the building at a location approved by the Chief, and shall be provided with a means to access the room directly from the exterior. Durable signage shall be provided on the exterior side of the access door to identify the fire control room. CFC 903.8

Utilities

- C17. The DOU will require an on-site drainage study and shed map. This study and shed map is subject the review and approval of the DOU. This study will need to identify an emergency overland release point for drainage.
- C18. The building pad elevation will be approved by the DOU and it shall be a minimum of 1.5 feet above the local controlling overland release elevation or a minimum of 1.2 feet above the highest adjoining back of sidewalk elevation, whichever is higher.
- C19. The DOU will require a grading plan showing existing and proposed elevations. Adjacent off-site topography should also be shown to the extent necessary to determine impacts to existing surface drainage paths. No grading shall occur until the grading plan has been reviewed and approved by the DOU.

- C20. 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 control methods on the improvement plans. These plans shall also show the methods to control urban runoff pollution from the project site during construction.
- C21. The proposed project is located within the Sacramento Area Sewer District (SASD). The applicant should satisfy all SASD requirements.
- D. The **Special Permit** to waive required parking is approved subject to the following conditions of approval.
 - D1. The applicant shall provide a minimum of 7 parking spaces on the subject site.

Advisory

- 1. The applicant may contact the City's Parking Services Division for an application regarding the installation of green curb/15-min on-street parking along Ring Drive adjacent to the subject property.