

## RESOLUTION NO. 2012-389

Adopted by the Sacramento City Council

November 13, 2012

### 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.

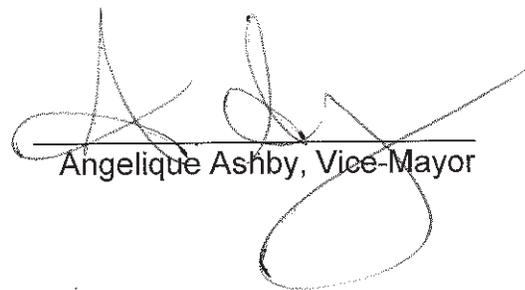
Adopted by the City of Sacramento City Council on November 13, 2012 by the following vote:

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

Noes: None.

Abstain: None.

Absent: None.



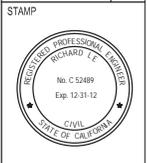
Angelique Ashby, Vice-Mayor

Attest:



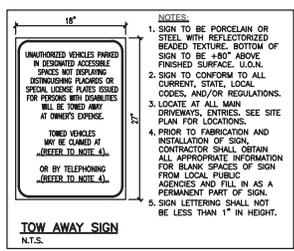
Shirley Concolino, City Clerk

REVISIONS		
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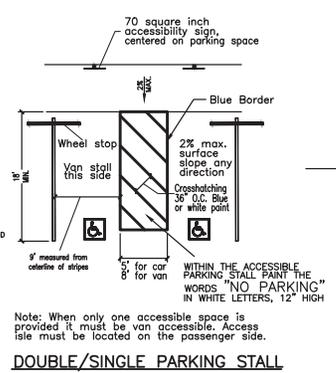
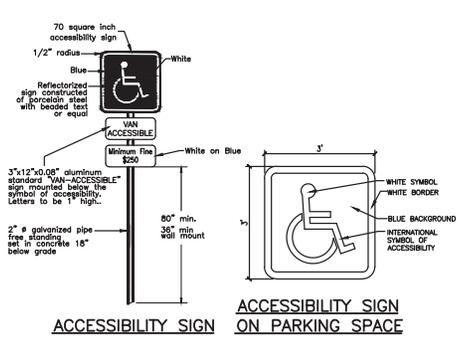


**ADDITION PLANS FOR  
ELDER CREEK MARKET  
7025 ELDER CREEK ROAD  
SACRAMENTO CA 95824**

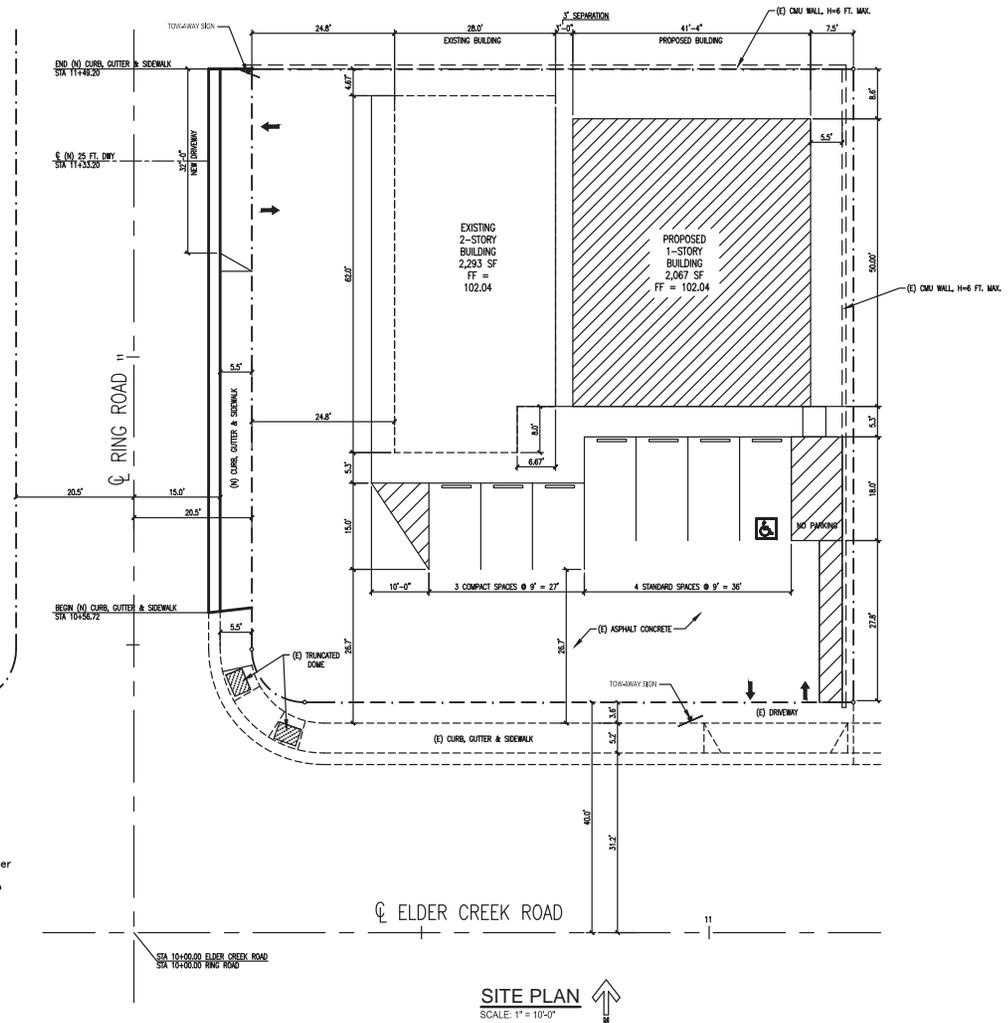
SHEET TITLE	
SITE PLAN	
DATE	03/01/2012
DRAWN BY	RLE
CHECKED BY	RLE
SCALE:	AS-NOTED
SHEET	SP



- NOTES:**
1. SIGN TO BE PORCELAIN OR STEEL WITH REFLECTORIZED BEADED TEXTURE. BOTTOM OF SIGN TO BE +80" ABOVE FINISHED SURFACE. LOCAL.
  2. SIGN TO CONFORM TO ALL CURRENT, STATE, LOCAL CODES, AND/OR REGULATIONS.
  3. LOCATE AT ALL MAIN DRIVEWAYS, ENTRIES. SEE SITE PLAN FOR LOCATIONS.
  4. 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.
  5. SIGN LETTERING SHALL NOT BE LESS THAN 1" IN HEIGHT.



Note: When only one accessible space is provided it must be van accessible. Access aisle must be located on the passenger side.



70 square inch accessibility sign, centered on parking space

Blue Border

Wheel stop

Van stall this side

2% max. surface slope, any direction

Overlapping 36" O.C. Blue or white paint

9' measured from ceiling of slope

5' for car

8' for van

WITHIN THE ACCESSIBLE PARKING STALL PAINT THE WORDS "NO PARKING" IN WHITE LETTERS, 12" HIGH

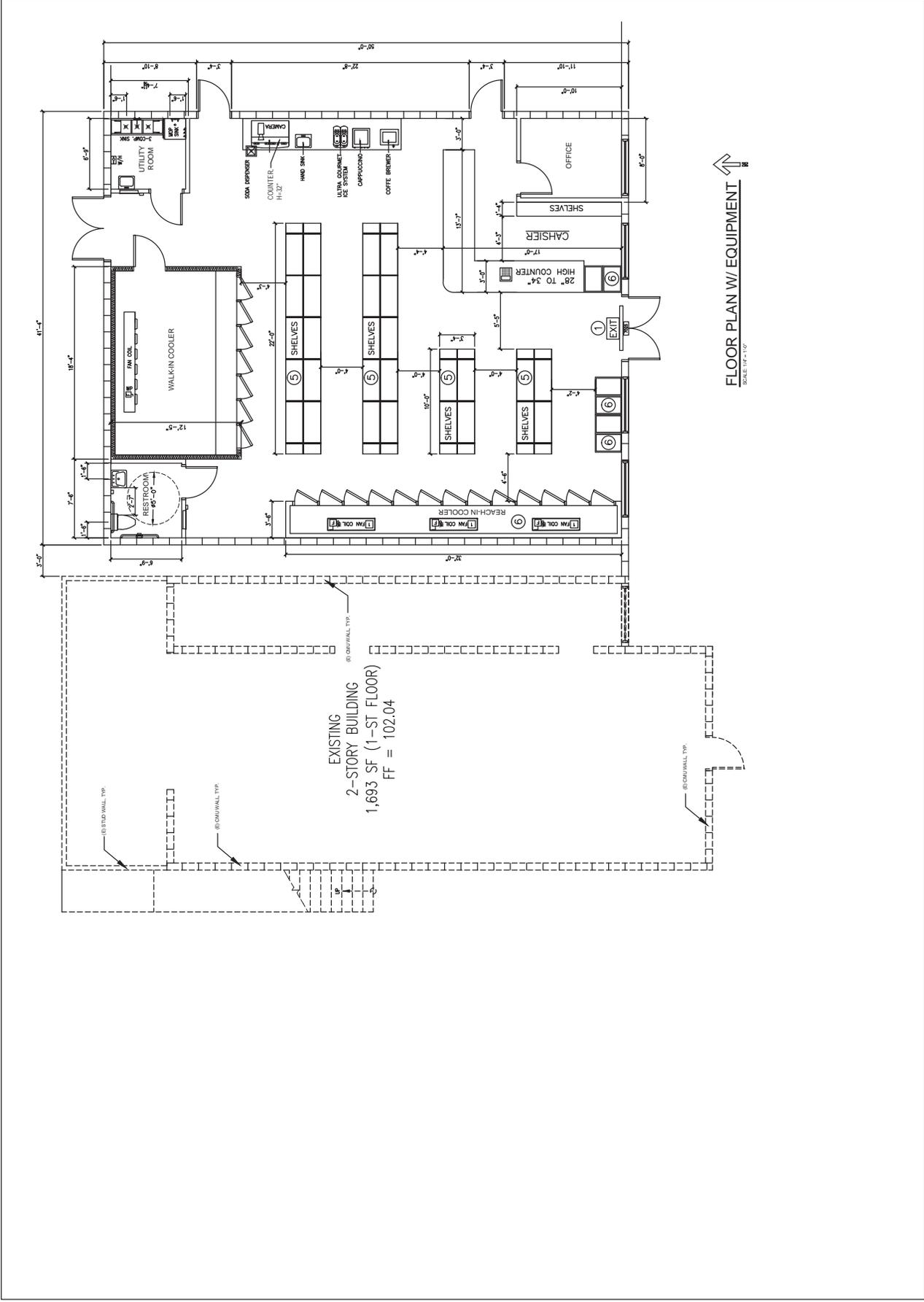
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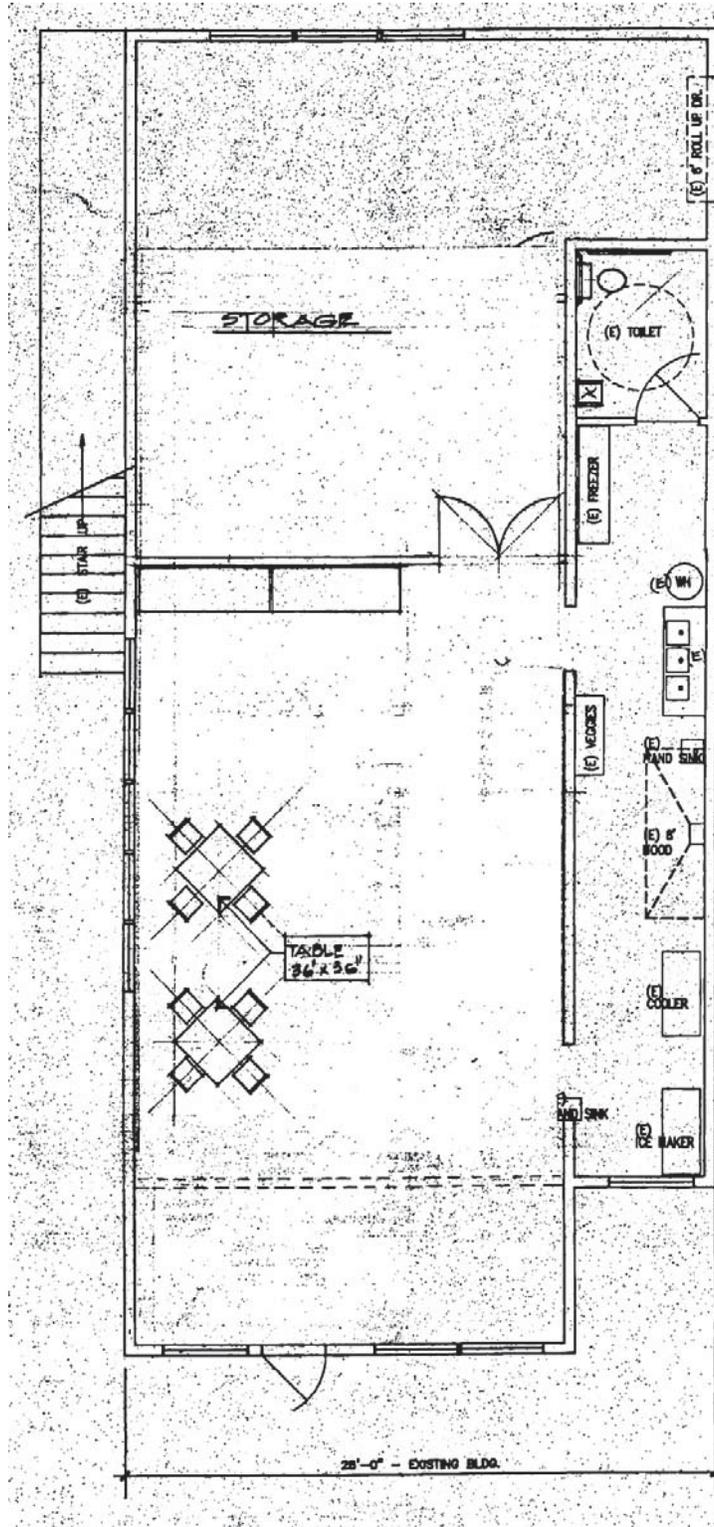


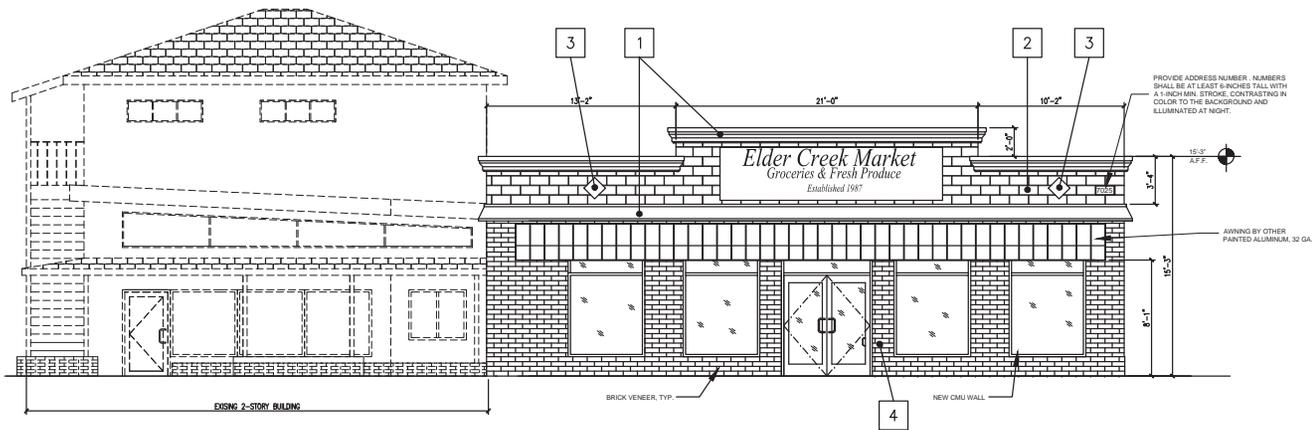
ADDITION PLANS FOR  
 ELDER CREEK MARKET  
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SHEET TITLE  
**FLOOR PLAN  
 W/ EQUIPMENT**

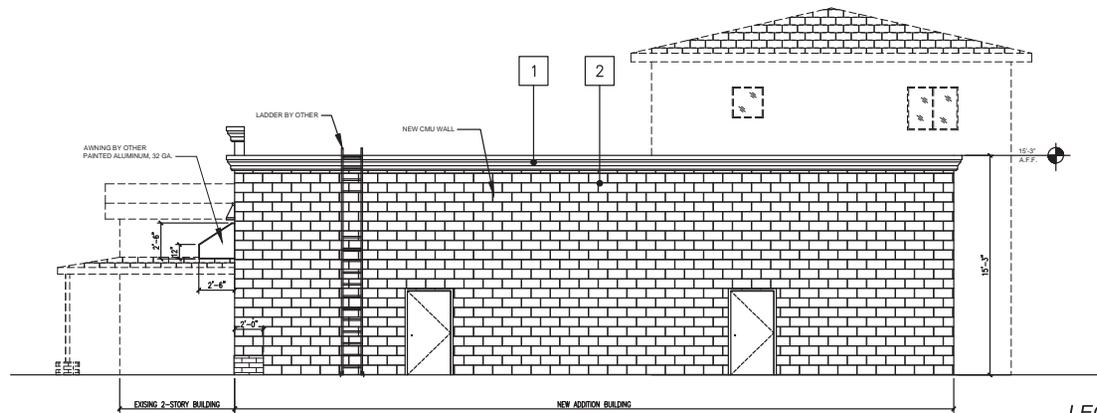
DATE	03/01/2012
DRAWN BY	RLE
CHECKED BY	RLE
SCALE	AS-NOTED
SHEET	2







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

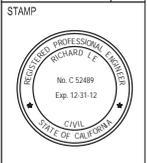


**LEFT ELEVATION**  
SCALE: 1/4" = 1'-0"

**LEGEND:**

- |   |  |                                    |
|---|--|------------------------------------|
| 1 | FOAM SHAPE CORNICE, TRIMS, COL. CAPITALS - | "VALSPAR" 2002-98 ROADHOUSE TAVERN |
| 2 | CMU BLOCK -                                | "VALSPAR" 2007-2C COSMIC CREAM     |
| 3 | DIAMOND - ALUMINUM AWNING                  | "VALSPAR" 0253 BLUE RIBBON         |
| 4 | BRICK VENEER                               | "VALSPAR" 2001-2C APRICOT ICE      |

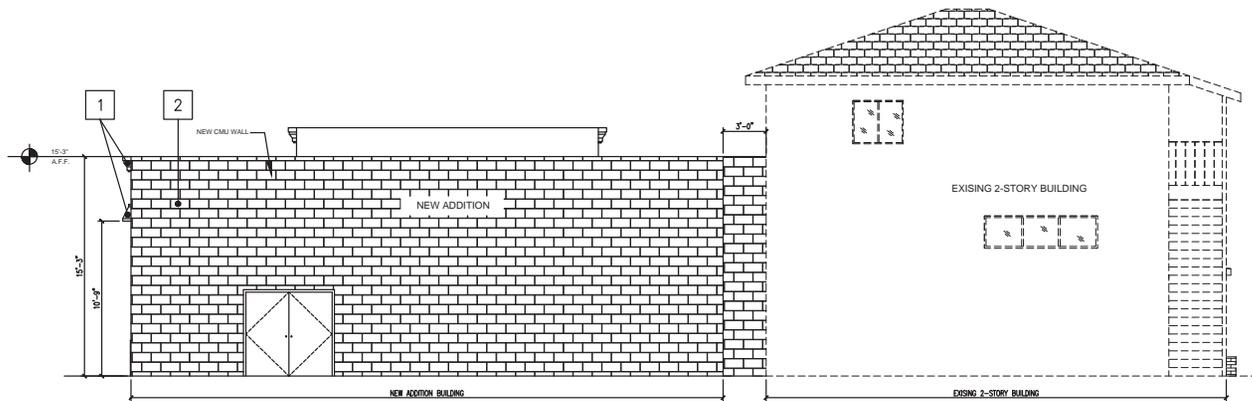
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DESCRIPTION	DATE	BY



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

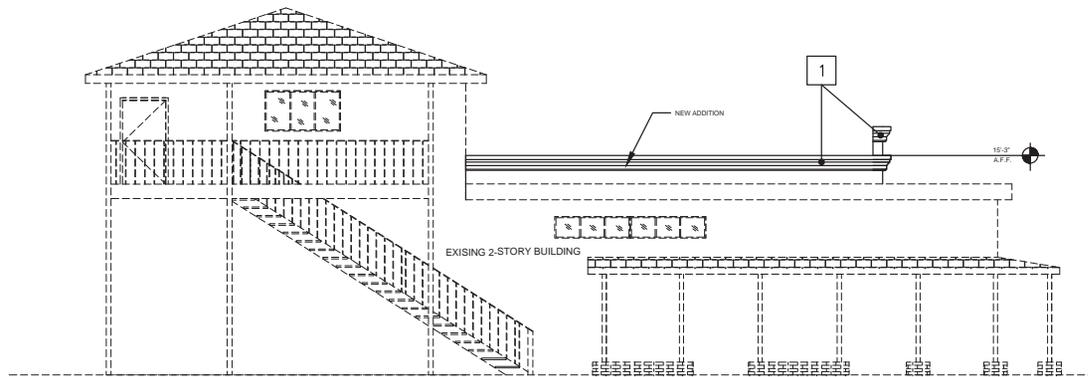
SHEET TITLE  
**ELEVATION PLAN**

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" 2007-20 COSMIC CREAM
- 3 DIAMOND - "VALSPAR" 6001-6C CLIVEDEN PASTURE

REVISIONS		
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**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

**FRONT ELEVATION**

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

**LEGEND:**

- |   |   |                                       |
|---|---|---------------------------------------|
| 1 | FOAM SHAPE CORNICE,<br>TRIMS, COL. CAPITALS - | "VALSPAR" 2002-9B<br>ROADHOUSE TAVERN |
| 2 | CMU BLOCK -                                   | "VALSPAR" 2007-2C<br>COSMIC CREAM     |
| 3 | DIAMOND - ALUMINUM AWNING                     | "VALSPAR" C1253<br>BLUE RIBBON        |
| 4 | BRICK VENEER                                  | "VALSPAR" 2001-2C<br>APRICOT ICE      |

PAINTED  
ALUMINUM,  
32 GA.

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