

## **RESOLUTION NO. 2007-220**

Adopted by the Sacramento City Council

April 10, 2007

### **GRANTING THE APPEAL OF THE PLANNING COMMISSION'S DENIAL OF THE FLORIN WALGREENS PROJECT LOCATED AT THE SOUTHWEST CORNER OF FLORIN ROAD AND RIVERSIDE BOULEVARD, SACRAMENTO, CA (P06-149) (APN: 030-0042-050)**

#### **BACKGROUND**

- A. On February 22, 2007 the City Planning Commission denied the request to construct a 14,820 square foot retail pharmacy with drive-through service (P06-149);
- B. On February 26, 2007 an appeal was made of the decision of the City Planning Commission to deny the request to construct a 14,820 square foot retail pharmacy with drive-through service (P06-149); and
- C. April 10, 2007 the City Council heard and considered evidence in the above-mentioned matter.

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

- Section 1. At the regular meeting of April 10, 2007 the City Council heard and considered evidence in the matters above. Based on verbal and documentary evidence at the hearing, the City Council takes the following actions:
- A. The City Council grants the appeal.
  - B. The City Council approves the Plan Review, Special Permits, and Variance for Florin Walgreens based on the findings of fact and subject to the conditions of approval as set forth below:

#### **FINDINGS OF FACT**

Special Permit: The Special Permit for drive-through service is approved based on the following findings:

1. Granting the special permit is based upon sound principles of land use in

that:

- a. The proposed drive-through is an appropriate land use for the subject site as the overall project will be a neighborhood serving retail store and the drive-through is an incidental use that offers a convenient method of prescription fulfillment for customers.
  - b. The drive-through has been properly integrated into the site plan with respect to access and maneuvering.
2. Granting the Special Permit will not be detrimental to the public health, safety or welfare, or result in the creation of a nuisance in that:
- a. The site is located away from residential uses and located within an existing shopping center.
  - b. Site maneuvering and access have been reviewed and have been found to not cause any negative traffic impacts.
  - c. The drive-through facility will not cause any negative light, glare, or noise impacts.
  - d. The drive-through will only be in operation between the hours of 7:00 a.m. and 10:00 p.m.
3. The special permit complies with the General Plan and the Pocket Area Community Plan in that the retail store and pharmacy with drive-through service will offer goods and services for the daily needs of adjacent residential areas.

Plan Review: The **Plan Review** to allow a new 14,820 square-foot retail store with pharmacy in the Shopping Center Review (SC-R) zone is approved based on the following findings of fact:

1. The proposed development is consistent with the General Plan and the Pocket Area Community Plan in that the proposed retail store and pharmacy will offer services for the daily needs of adjacent residential areas.
2. The facilities, including utilities, access roads, sanitation and drainage are adequate and consistent with city standards, and the proposed improvements are properly related to existing and proposed streets and highways because:
  - a. The proposed project has been reviewed by the Development Engineering Division, Utilities Department, Fire Department, and

Utilities Department. All issues related to utilities, access, sanitation and drainage have been reviewed.

- b. The project has been found to meet, or has been conditioned to meet, all applicable city requirements.
3. The property involved is of adequate size and shape to accommodate the proposed use and required yard, building coverage, setback, parking area and other requirements of this title because:
    - a. The subject site has been reviewed and has been found to adequately accommodate the applicable building coverage and setback requirements.
    - b. The subject site and adjacent shopping center have enough parking spaces to accommodate the 59 spaces required of the current request.
  4. Approval of the plan review will not be contrary to the public health or safety or injurious to the property or improvements of adjacent properties in that:
    - a. The retail store will not create negative impacts what will result in the creation of a nuisance.
    - b. The site is located away from residential uses and located within an existing shopping center.
    - c. Site maneuvering and access have been reviewed and have been found to not cause any negative traffic impacts.
    - d. The drive through facility will not cause any negative light, glare, or noise impacts.
    - e. The project signage has been conditioned not to be lit after business hours.
    - f. Major deliveries have also been conditioned not to occur prior to 6:00 a.m.

Special Permit: The **Special Permit** to allow 10 off-site parking spaces for a 14,820 square-foot retail store in the Shopping Center Review (SC-R) zone is approved based on the following findings of fact:

1. The special permit is granted based upon sound principles of land use in that the proposed retail store will be located in an existing shopping center

with adequate extra parking to accommodate the 10 off-site parking spaces required for the proposed store.

2. Granting the special permit will not be detrimental to public health, safety or welfare, or result in the creation of a nuisance in that the adjacent spaces in the existing shopping center are adequate to accommodate the 10 spaces needed for the proposed new retail use. Accommodating the new spaces will not require any modifications to the existing ingress/egress or maneuvering areas.
3. The special permit complies with the objectives of the General Plan and Pocket Area Community plan as the retail store and pharmacy with drive-through service will offer goods and services for the daily needs of adjacent residential areas.

Variance: The Variance to exceed the maximum allowed attached signage by one sign is approved based on the following findings:

1. The variance is not a special privilege extended to one individual property owner.
  - a. The applicant is requesting an additional sign on the east facade of the building. This is appropriate as this will be the only attached signage visible when approaching the site from the south. The project approval includes conditions limiting the applicant to the allowed 390 square feet of signage.
2. The requested variance does not constitute a use variance as the requested attached sign does not constitute a prohibited use.
3. The variance will not be injurious to public welfare, nor to property in the vicinity of the applicant in that the additional sign requested with this variance will face the shopping center on the opposite side of Florin Road and will be located over 300 feet from the nearest residential property. The attached signage has been conditioned to be only lit during the hours of operation of the retail store.
4. The variance is consistent with the General Plan as the sign is not prohibited by the General Plan.

### **Conditions of Approval**

The **Special Permit** to allow drive-through pharmacy service for a 14,820 square foot retail store in the Shopping Center (SC-R) zone is approved subject to the following conditions:

## **Planning**

1. The drive-through shall be constructed as shown on the attached site plan. Modification to the drive-through shall be subject to additional review and may require the approval of additional entitlements.
2. Only pharmacy related business shall be conducted through the drive-through service.
3. The hours of operation of the drive-through shall be limited form 7:00 a.m. to 10:00 p.m.

The **Plan Review** to allow a new 14,820 square-foot retail store with pharmacy in the Shopping Center Review (SC-R) zone is approved subject to the following conditions:

## **Planning**

1. The building footprints, elevations and setbacks shall be in conformance with the approved site plans and elevations attached, except as conditioned. Substantial modifications shall be reviewed and approved by Planning Staff and/or Planning Commission prior to issuance of building permits.
2. No banners, or any other signage specifically prohibited by the City's Sign Ordinance or not approved with this project, shall be placed or displayed on the building, in the parking lot, or on any landscaped area of the subject parcel.
3. Twenty-four (24) hour operation is prohibited. The hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.
4. Major deliveries shall not occur prior to 6:00 a.m.
5. There shall be no sale of alcoholic beverages or liquor of any type.
6. The monument sign shall be consistent in location, size and design with the plans as approved by the Planning Commission. The sign may include an LED message readerboard no larger than 44 inches in height and 131 inches in length. No part of the sign may include flashing, scintillating, blinking or traveling lights or any other means not providing constant illumination. The intensity of the light shall be controlled to avoid a nuisance or hazard to vehicular traffic, pedestrians or adjacent properties. The LED readerboard display text shall not be changed during any single business day. The monument sign at the northeast corner of the site shall be lit only during the hours of operation of the retail store.
7. Attached signage shall only be lit between the hours of 7:00 a.m. and 10:00 p.m.

8. All materials, supplies and inventory shall be stored inside the store building. No outside storage containers shall be allowed.
9. No advertising materials or other similar signage shall be posted to the interior or exterior of windows.
10. Any trees planted at the Florin Road or Riverside Boulevard frontage shall be a minimum 36" box size.
11. Final landscaping plans shall be submitted to the Building Division - Site Conditions Unit for review and approval. The scope of the review shall include plant species selection, landscape materials, irrigation system, and calculation to ensure that the 50% shading requirement is met. The irrigation system and landscaping shall be maintained in good condition during the life of the project.
12. Lighting for the parking lot and maneuvering areas shall be installed and shall be coordinated with the landscaping plan so there is minimal interference between the light standards and required illumination on the trees and required shading. Project lighting shall be as follows: 1.5 foot-candles of minimum maintained illumination per square foot of parking space during business hours and 0.25 foot-candles if minimum maintained illumination per square foot of surface on any walkway, alcove, passageway, etc., from one-half hour before dusk to one-half hour after dawn. All light fixtures are to be vandal resistant. On-site lighting shall be shielded from adjacent parcels and the street, so that the on-site illumination will not shine on or impact the adjacent properties or the street.

### **Utilities**

13. Only one domestic water service per parcel is allowed. Any new domestic water services shall be metered. Excess domestic water services must be abandoned to the satisfaction of the Department of Utilities. (Note: There is an existing 12" water main in Riverside Blvd., and a 6" and 24" water main in Florin Road. No connection is allowed to the 24" water main in Florin Road.)
14. Prior to submitting plans to the Building Division the applicant shall contact the Chief Plumbing Inspector with the Building Division to determine the size of the domestic water tap required for this project. If the required size is greater than one and one-half inches, then the applicant must submit a request to the Department of Utilities for approval of a larger tap size. Approvals shall be obtained prior to issuing a building permit.
15. If the sewer service connection is to the existing 8" sewer main in Riverside Blvd, then the applicant shall remove and replace the existing flusher branch manhole with City standard manhole. Sewer service connection may also be connected to the existing 10" sewer main in Florin Road. All sewer service connection shall be to satisfaction of the Department of Utilities.

16. The lot shall be graded so that drainage does not cross property lines.
17. If the total paved area is greater than 6000 sq. ft., then an onsite drainage system is required and shall be connected to the street drainage systems in Riverside Blvd. or Florin Road by means of a storm drain service tap. All onsite systems shall be designed to the standard for private storm drainage systems (per Section 11.12 of the Design and Procedures Manual).
18. Lot pad elevation shall be a minimum of 1.5 feet above the controlling overland release elevation and a minimum of 1.2 feet above the highest adjoining back of sidewalk elevation. Finished lot pad shall be accepted by the Department of Utilities.
19. A grading plan showing existing and proposed elevations is required. Adjacent off-site topography shall be shown to the extent necessary to determine impacts to existing surface drainage paths. No grading shall occur until the grading plan has been reviewed and approved by the Department of Utilities.
20. The applicant shall 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.
21. Post construction, stormwater quality control measures shall be incorporated into the development to minimize the increase of urban runoff pollution caused by development of the area. Both source controls and onsite treatment control measures are required for this project. On-site treatment control measures may affect site design and site configuration and therefore, should be considered during the early planning stages. The following, but not limited to, are acceptable on-site water quality treatment controls: (1) vegetative swales and (2) underground vaults. Vegetative swales may require additional landscape areas and City approved underground vaults (Jensen Storm Vault) are costly. Improvement plans must include the source controls and on-site treatment control measures selected for the site. Refer to the latest edition of the "Guidance Manual for On-site Stormwater Quality Control Measures" for appropriate source control measures.

### **Police**

22. All handicapped, compact loading/unloading, and delivery parking spaces shall be clearly marked with pavement markings and appropriate signs.
23. All entrances to the parking areas shall be posted with appropriate signs per

22658(a) CVC, to assist in removing vehicles at the property owner's / manager's request.

24. Parking lots, aisles, passageways, recesses, and grounds contiguous to buildings shall be provided with high intensity discharge lighting with sufficient wattage to provide adequate illumination for the safety and security of vehicles and pedestrians using the site during the hours of darkness or diminished lighting. Such lighting shall be equipped with vandal-resistant covers/lenses.
25. The perimeter of the site shall be fenced during construction and security lighting and security guards shall be employed and deployed as necessary.
26. All alarm plans shall be approved by The Sacramento Police Department's Alarm Unit.
27. A closed circuit television system shall be incorporated throughout the parking area with recorder capability.
28. Closed circuit television cameras shall be employed to monitor areas in case of robbery or other serious felony. Additional cameras shall be placed to monitor drive-thru pharmacy and areas obscured by wall. Cameras shall be placed to monitor other areas of the property, such as all ground-floor entry doors. Cameras shall have recorder capability.
29. All cash registers shall be covered by a CCTV system with a recorder.
30. The Police Department reserves the right to increase the minimum number of security guards without further public hearings, should negative activity warrant it.
31. Landscaped areas should be planned for maximum growth while at the same time providing unobstructed observation of parking lots, buildings, and pathways; day and night.
32. While closed for business after dark, the store must be sufficiently lighted by use of interior night lights.
33. Any rear door used to admit employees or deliveries shall be equipped with a 180 degree viewing device to screen persons before allowing entry.
34. Any office which contains a safe or will be used to count receipts or money shall be equipped with a 180 degree viewing device.
35. Security and parking area lights shall be controlled by photocell and shall remain on during hours of diminished lighting.
36. The applicant shall post the property "No Trespassing" and sign an agreement

with the Police Department to prosecute all violators. This agreement shall be kept on file on the premises and at the Police Department.

37. No public telephone shall be installed on the premises.
38. Store windows shall be left unobstructed by signage and display racks, shelving, and merchandise in order to allow viewing of the interior of the business by patrolling police.
39. The applicant shall be responsible for the daily removal of all litter generated by the business, from the subject site, adjacent properties and streets.
40. All dumpsters must be kept locked.
41. The applicant shall install bicycle security racks at the front of the business. Sacramento Police Department shall be named as the enforcing agent for violation of 602k (pc). Signs stating such shall be posted.

### **Development Engineering**

42. Construct standard improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. Improvements shall be designed and constructed to City standards in place at the time that the Building Permit is issued. All improvements shall be designed and constructed to the satisfaction of the Development Engineering Division. Any public improvement not specifically noted in these conditions shall be designed and constructed to City Standards. This condition shall include any needed street lights.
43. Repair or replace/reconstruct any existing deteriorated curb, gutter and sidewalk fronting the property along Florin Road and Riverside Boulevard per City standards and to the satisfaction of the Development Engineering Division.
44. All new driveways shall be designed and constructed to City Standards to the satisfaction of the Development Engineering Division.
45. The applicant shall relocate the existing SMUD electrical box located along Riverside Boulevard at the north-west corner of the shopping center. The relocation of the SMUD box shall be to a location outside the line of sight of the Riverside Boulevard driveway to the satisfaction of the Development Engineering Division. This may result in eliminating one proposed parking stall at that corner.
46. The applicant shall remove all shrubs and bushes along the fence located at the north-west corner of the shopping center adjacent to Parcel 030-0042-082. The applicant shall replace the bushes and shrubs with landscaping that will not be higher than 3.5 feet at maturity to the satisfaction of the Development Engineering Division.

47. The applicant shall lower the existing fence located at the north-west corner of the shopping center adjacent to parcel 030-0042-082 to a maximum height of 3.5 feet to the satisfaction of the Development Engineering Division.
48. The applicant shall coordinate with the Development Engineering Division and prepare a line of sight exhibit at the new driveway location along Florin Road to determine if the existing bus stop needs to be relocated. If the existing bus stop interferes with the line of sight, then the applicant shall coordinate with Regional Transit and Development Engineering Division to relocate the bus stop south of the new proposed driveway to the satisfaction of the Development Services Department.
49. The site plan shall conform to A.D.A. requirements in all respects. This shall include the reconstruction of the existing ramps (if non-ADA compliant) located at the south-west corner of the Florin Road and Riverside intersection.
50. The site plan shall conform to the parking requirements set forth in chapter 17 of City Code (Zoning Ordinance) as modified by any entitlements approved as part of this project
51. 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). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height at maturity. The area of exclusion shall be determined by the Development Engineering Division.

Advisory notes for the **Plan Review**:

### **Utilities**

52. Prior to design of the subject project, the Department of Utilities suggests that the applicant request a water supply test to determine what pressure and flows the surrounding public water distribution system can provide to the site. This information can then be used to assist the engineers in the design of the fire suppression and domestic water systems.
53. 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.

54. The proposed project is located in the Flood zone designated as **X** zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that have been revised by a letter of Map Revision effective February 18, 2005. Within the X zone, there are no requirements to elevate or flood proof.

## **Fire**

55. 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 curb on the western side of the building shall be marked "No Parking Fire Lane".
  56. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus. CFC 902.2.2.2
  57. Provide the required fire hydrants in accordance with CFC 903.4.2 and Appendix III-B, Section 5.
  58. 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 901.3) Failure to comply will result in the job site shut down until timing and installation requirements are met.
  59. A Water Supply Test must be requested by the project applicant for all projects involving the construction of new commercial buildings, additions to commercial buildings, or four or more residential units. Contact the Utilities Department at 808-7065.D60. Locate and identify Fire Department Connections (FDCs) on address side of building no further than 40 feet and no closer than 5 feet from a fire hydrant.
  61. Provide appropriate Knox access for site.
- E.** The **Special Permit** to allow 10 off-site parking spaces for a 14,820 square-foot retail store in the Shopping Center Review (SC-R) zone is approved subject to the following conditions:
1. A minimum of 49 parking spaces shall be provided on-site.
  2. A minimum of 10 parking spaces in the existing shopping center shall be made available to Walgreens customers.
- F.** The **Variance** to exceed the maximum allowable number of attached signs by one (1) sign is approved subject to the following conditions:
1. No more than five attached signs are allowed.

2. The aggregate square footage of the five attached signs shall not exceed 390 square feet.

**Table of Contents:**

Exhibit A – Site plan  
Exhibit B - Floor Plan  
Exhibit C – Elevations  
Exhibit D – LED Board  
Exhibit E - Trash Enclosure Detail  
Exhibit F - Landscaping Plan

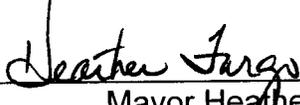
Adopted by the City of Sacramento City Council on April 10, 2007 by the following vote:

Ayes: Councilmembers, Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters and Mayor Fargo.

Noes: None.

Abstain: None.

Absent: None.

  
\_\_\_\_\_  
Mayor Heather Fargo

Attest:

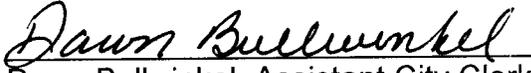
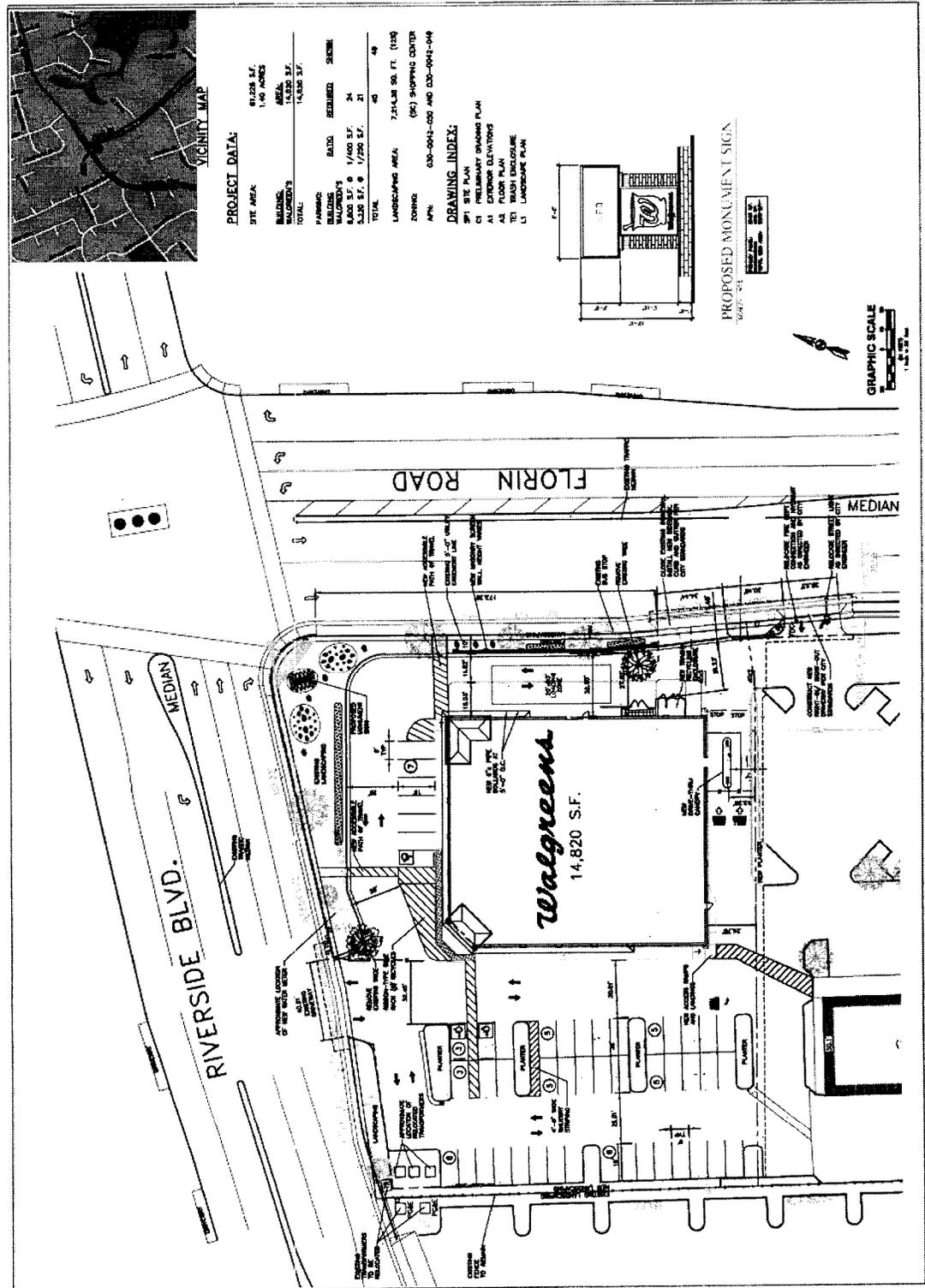
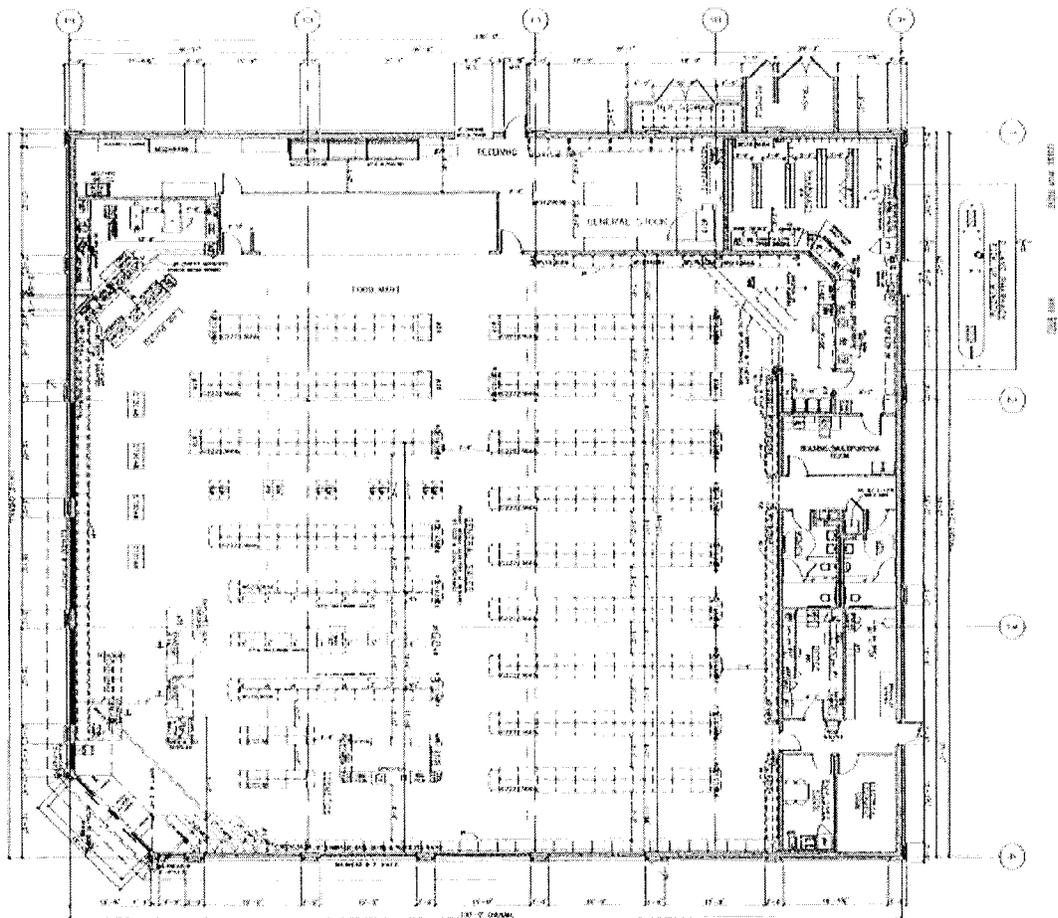
  
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Dawn Bullwinkel, Assistant City Clerk

Exhibit A – Site Plan



# Exhibit B – Floor Plan

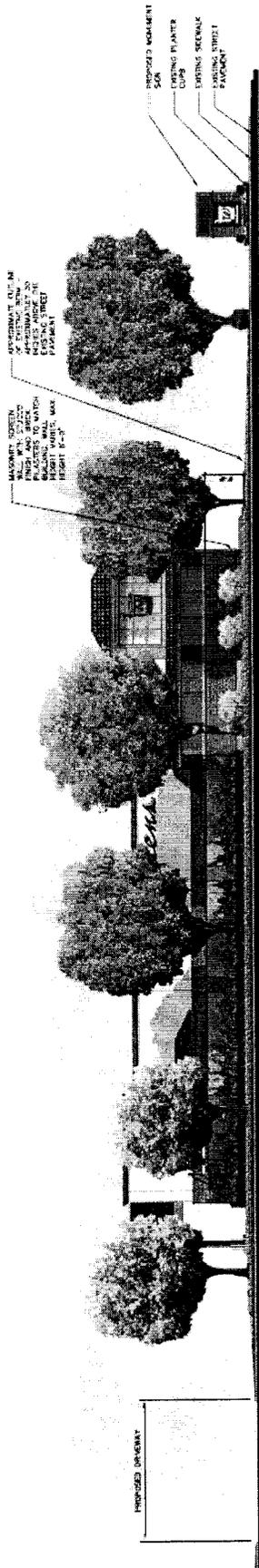


**FLOOR PLAN**  
DATE: 7/27/07  
DRAWN BY: JAL/CT

**GRAPHIC SCALE**  
1" = 10'-0"







**EAST ELEVATION** (AS VIEWED FROM ELDRIN ROAD)

ROBERT J. K. & ASSOCIATES, INC.  
1500 S. 10TH STREET, SUITE 100  
SACRAMENTO, CA 95833  
TEL: 916.441.1111  
WWW.RJKAS.COM

PROPOSED WALGREENS PHARMACY  
SMC FLOREN ROAD & RIVER SIDE BLVD  
SACRAMENTO, CA

**HAWKINS**  
COMMERCIAL ARCHITECTS  
1500 S. 10TH STREET, SUITE 100  
SACRAMENTO, CA 95833  
TEL: 916.441.1111  
WWW.HAWKINSARCHITECTS.COM

DATE: 04/10/07  
PROJECT: WALGREENS PHARMACY  
DRAWING: PRELIMINARY ELEVATIONS PLAN

**A1**

**MATERIAL SCHEDULE**

NO.	DESCRIPTION	REMARKS
1	EXTERIOR WALLS	BRICK, 8" MINIMUM
2	INTERIOR WALLS	CONCRETE BLOCK, 8" MINIMUM
3	CEILING	ACoustIC TILE, 2' x 4'
4	FLOORING	CONCRETE SLAB ON GRADE
5	ROOFING	ASPHALT/FLYSH
6	PAINTS	EXTERIOR: BRICK PAINT INTERIOR: WALL PAINT
7	GLASS	GLASS CURTAIN WALL
8	DOORS	GLASS DOOR
9	WINDOWS	GLASS WINDOW
10	ROOF	FLAT ROOF
11	STAIRS	CONCRETE STAIRS
12	ELEVATOR	GLASS ELEVATOR
13	MECHANICAL	MECHANICAL ROOM
14	ELECTRICAL	ELECTRICAL ROOM
15	PLUMBING	PLUMBING ROOM
16	HEATING	HEATING SYSTEM
17	Cooling	COOLING SYSTEM
18	INSULATION	INSULATION
19	FOUNDATION	FOUNDATION
20	LANDSCAPE	LANDSCAPE

**PRELIMINARY ELEVATIONS**  
SCALE: 1/4" = 1'-0"

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

Exhibit D – LED Board





**Exhibit F – Landscaping Plan**

