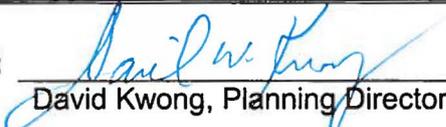




**CITY OF SACRAMENTO PLANNING COMMISSION
RECORD OF DECISION
300 Richards Boulevard, Sacramento, CA 95811**

Project Name: Iceland Restoration
Project Number: P10-079
Project Location: 1430 Del Paso Boulevard
Assessor's Parcel No.: 275-0125-007, 275-0125-008
Applicant: Rob Kerth, American Iceland LLC, 539 Southgate Rd, Sacramento, CA 95815
Action Status: Approved with Conditions Action Date: 11/18/2010
REQUESTED ENTITLEMENT(S):
A. Environmental Determination: Exempt per CEQA 15302
B. Special Permit to establish an outdoor amusement center in the General Commercial Special Planning District (C-2-SPD) zone.

ACTIONS TAKEN: On 11/18/2010, the Planning Commission took the following actions based on the attached findings of fact and subject to the attached conditions of approval:
Approved entitlements A and B with conditions

Action certified by: 
David Kwong, Planning Director

Sent to Applicant: 11/19/2010 By: 
Antonio Ablog, Associate Planner

NOTICE OF PROTEST RIGHTS

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

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

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

EXPIRATION

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

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

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

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

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

APPEALS

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

Findings of Fact

A. Environmental Determination: Exemption

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

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

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

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

Conditions of Approval

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

Planning

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

Utilities

- B7. The DOU expects that the project site will not drain properly without a roof as it was originally designed. The applicant may experience flooding problems during rain events that may be of concern to the property owner. The owner shall not direct storm water across property lines or private drainage easements shall be secured by the applicant.
- B8. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to prepare erosion and sediment control plans for both during and after construction of the proposed project, prepare preliminary and final grading plans, and prepare plans to control urban runoff pollution from the project site during construction.

Advisory Notes

Building

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

Utilities

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

Fire

7. Comply with California Building Code (CBC) Appendix Chapter 1, Section 107 related to Temporary Structures and Uses.
8. Comply with California Fire Code Chapter 10 related to Means of Egress. *Applicant will be required to provide two means of egress from the skating area to a public way. A door equipped with panic hardware meeting the above-mentioned Fire Code requirements shall be installed to provide a means of egress to Del Paso Blvd. Signage, illumination and egress width shall comply with the requirements of this chapter.*
9. Roads used for Fire Department access shall have an unobstructed width of not less than 20' and unobstructed vertical clearance of 13'6" or more. *The proposed off-ice area will impede emergency access to the alley. The applicant will be required to contact the City of Sacramento Department of Transportation to acquire either a Street Use Permit and/or a Revocable Encroachment Permit. The proposed action will require the fire department to assess, and place conditions of approval that will maintain the level of service to public safety.*

Exhibit 1 – Overall Site Plan

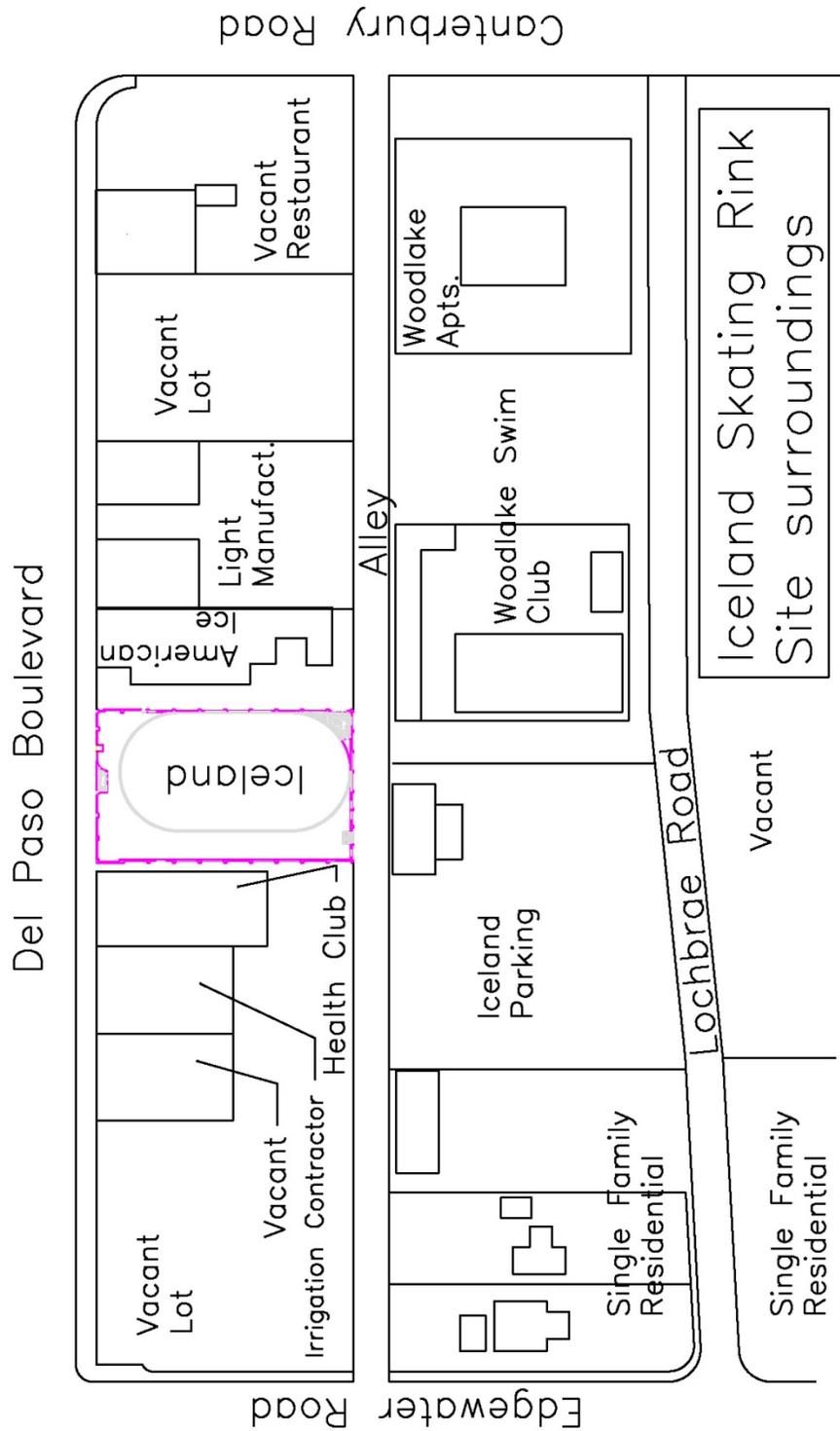


Exhibit 2 – Site Plan Detail

