

## ATTACHMENT D

**RESOLUTION NO. 1665**

ADOPTED BY THE SACRAMENTO CITY PLANNING COMMISSION

ON DATE OF August 25, 1994

A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING A SPECIAL PERMIT TO ESTABLISH THE "FLEA BARN", A FLEA MARKET, ON 2± DEVELOPED ACRES IN THE M2-S ZONE, @ 6441 POWER INN ROAD.

(P94-053) (APN: 040-0101-012)

WHEREAS, the City Planning Commission on August 25, 1994, held a public hearing on the request for approval of a Special Permit, to ESTABLISH THE "FLEA BARN", A FLEA MARKET, ON 2± DEVELOPED ACRES IN THE M2-S ZONE, for property located at the above described location;

WHEREAS, the City Environmental Coordinator has determined that this project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 (Sec. 15301 et.seq.) and that the project will not have a significant effect on the environment.

WHEREAS, the Planning staff has submitted to the City Planning Commission its report and recommendations on the proposed development;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF SACRAMENTO THAT:

1. The Special Permit is hereby approved based upon the following findings of fact:
  - A. The project, as conditioned, is based upon sound planning principles of land use in that:
    - 1) The project will be conditioned to conform to the Zoning Code Section 2-E(45) for flea markets.
  - B. The project, as conditioned, will not be detrimental to the public welfare nor

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result in the creation of a public nuisance in that:

- 1) adequate on-site parking, setbacks and landscaping will be provided;
  - 2) the proposal will re-use a previously underutilized developed infill site.
- C. The project is consistent with the General Plan and South Sacramento Community Plan which designate the site Heavy Commercial or Warehouse and Industrial in that:
- 1) the goals of the General Plan Commerce and Industry Land Use Element are to promote the re-use and revitalization of existing developed areas (Goal B Sec. 4-1);
  - 2) it is the policy of the City to enhance and maintain the quality of life by adhering to high standards for project and plan evaluation as they interact with the overall urban landscape, (Sec. 1-30) and this project shall conform to the development standards of the Zoning Code regarding parking, landscaping, screening, signage and other development standards for a flea market.
  - 3) the proposal will support efforts to address and correct problems of blight and deterioration in the interest of the public's health, safety and general welfare because it will promote revitalization of a previously underutilized site for economic development and promote the re-use...of existing urban development as a means to meet the needs of projected growth.
  - 4) the development of this vacant infill site is also consistent with the General Plan policy to fully utilize lands which have previously been underutilized and skipped over in the process of development (Policy 5 Sec. 1-34).

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SACRAMENTO THAT:

1. The Special Permit for the proposed "Flea Barn" flea market is hereby approved subject to the following conditions:
  - A. All conditions of project approval shall be met within sixty days of Planning Commission approval. If the Planning Commission action is appealed all conditions of approval must be met within sixty days of final approval.
  - B. A minimum 25 foot wide landscaped setback shall be irrigated and

maintained in a healthy, vigorous condition along all street frontages.

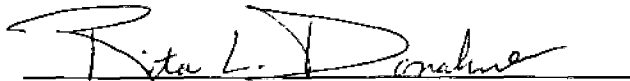
- C. A mixture of evergreen trees and deciduous trees shall be planted along the entire perimeter of the site.
- D. The maximum permitted square footage for the flea market shall be 9000 sq.ft. for all vendor activity. The applicant may configure the square footage indoors and outdoors, not to exceed a total of 9000 sq.ft. A parking variance must be approved prior to any increase in the square footage of the flea market above 9000 sq.ft.
- E. Parking ratio shall be one (1) parking space per 250 square feet of gross building area and one (1) parking space per 250 square feet of gross outdoor vendor area. No on-site parking will be permitted on unimproved (dirt) surfaces.
- F. No designated parking area shall be used for vendor space.
- G. Where the flea market will abut an existing residential use zone on the east side all outdoor storage or outdoor vendor sales areas shall be screened by a minimum six-foot high solid wall of masonry, brick, stucco or similar material.
- H. Outdoor trash facilities shall be located in an inconspicuous area and shall be screened by a minimum six foot high masonry wall and shall provide for easy access for the flea market customers and refuse removal.
- I. No permanent structures shall be constructed in the outdoor vendor area.
- J. No adjacent property shall be used for parking or vendor sales. All on-street parking regulations shall be followed.
- K. Except for emergency purposes, no exterior loud speakers shall be used during the flea market operation.
- L. No overnight camping shall be permitted on the flea market site.
- M. Prior to the issuance of Building Permits the applicant shall submit detailed landscaping and irrigation plans for review and approval of the Planning Director.
- N. Prior to the issuance of Building Permits the applicant shall submit a revised, detailed site plan showing adequate on-site parking and circulation to meet

the demand generated by the maximum 9000 square feet of the vendor area, for the review and approval of the Planning Director.

- O. Prior to the issuance of Building Permits the applicant shall submit a revised, detailed site plan showing the parking spaces oriented so that vehicles do not back into the customer/vendor area, for the review and approval of the Planning Director .
- P. If parking demand exceeds the amount of on-site parking provided, the vendor area shall be reduced to decrease the parking demand.
- Q. Vendors may park their personal vehicle in the vendor stall during hours of operations. No vendor vehicle movement shall occur during the hours the flea market is open to the public.
- R. The existing swing gate in the 26' foot driveway on Power Inn Road must be modified to no longer project into the public right-of-way or a variance to City Code Section 38.166(d) "No gates or other obstructions may be placed within twenty feet of public right of way on entrance driveways," is required. This gate must be closed during hours of operation. Parking shall be prohibited in this driveway.
- S. All on-site vehicle gates shall be a minimum of 20' behind the public right-of-way.
- T. Any flea market signage shall meet all the requirements required by the Sign Ordinance and have a sign permit.
- U. The lower one-half of the front store windows shall remain clear of paint or sign copy in the interest of public safety.
- V. Any existing on-site Sign Ordinance violations shall be corrected by the property owner prior to the issuance of a building permit for the flea market.
- W. The existing 35" foot driveway on Power Inn Road shall be permanently closed.
- X. The applicant shall consult with Solid Waste Division staff in order to adequately incorporate recycling provisions into the project, to the satisfaction of the Solid Waste Division Manger.
- Y. A building permit will be required for the change in use and to conform with standards of the Building Division.

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- Z. The applicant shall submit for approval of the County Environmental Management Department complete plans for all food service areas, janitorial areas, and restrooms - both public and employee, and refuse storage areas; in order to obtain a Health Permit.
2. The Special Permit for the proposed "Flea Barn" flea market is hereby approved subject to the following Police Department recommended conditions:
- A. All State regulations regarding the operation of flea markets will be observed and enforced, including:
- 1) The State of California Business and Professions Code Article 6 et.seq. requirement that the operators of the flea market provide all vendors with blank personal property exchange or sale forms as prescribed by the California Department of Justice. These forms shall be collected daily and provided to the Chief of Police within 24 hours of the sale of merchandise, or before the end of the first working day following the day of sale.
  - 2) Each vendor, casual (3 or fewer times per month) and monthly or regular vendors shall provide the operators valid personal identification by drivers license or California identification card.
  - 3) Each vendor, casual (3 or fewer times per month) and monthly or regular vendors shall provide the operators, in writing a description of the personal property offered for sale or exchange, including serial numbers and personal identification marks, all such forms shall be certified as true by the vendor.
  - 4) Each vendor, casual (3 or fewer times per month) and monthly or regular vendors shall provide the operators in writing California State Board of Equalization sales tax numbers when applicable.
  - 5) If a vendor, casual (3 or fewer times per month) and monthly or regular, is an agent of a business, the vendor shall provide the operators in writing with the name and address of the business principles.
  - 6) Each vendor, casual (3 or fewer times per month) and monthly or regular vendors shall provide the operators in writing a record of the date of sales or exchange transactions, including any receipt numbers provided the vendor to the customer, and a notation of the vendor space used.

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- 7) Each vendor, casual (3 or fewer times per month) and monthly or regular vendors will be required to obtain Sacramento City Business Operations Tax Certificates, and California State Board Equalization sales permits.
  - 8) Each vendor, casual (3 or fewer times per month) and monthly or regular vendors shall provide the operators in writing the vehicle identification number (VIN) and description of any motor vehicle offered for sale or exchange.
  - 9) Where applicable, vendors shall have or obtain secondhand dealer permits in accordance with Business and Profession Code Article 4 et.seq.; or the Flea Barn operator shall have or obtain such license and assume the responsibility for reporting all sales of second-hand tangible property.
  - 10) No alcoholic beverages will be sold or consumed in the vendor area or in the parking lot.

  
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CHAIRPERSON

ATTEST:

  
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SECRETARY TO PLANNING COMMISSION