

**RESOLUTION NO. 99-641**

**ADOPTED BY THE SACRAMENTO CITY COUNCIL**

**ON DATE OF NOV 9 1999**

**RESOLUTION ADOPTING THE NOTICE OF DECISION AND FINDINGS OF FACT WHICH GRANTS THE CITY PLANNING COMMISSION'S APPROVAL OF ENTITLEMENTS FOR THE CHEVRON STATION REPLACEMENT PROJECT CONSISTING OF 0.73± ACRES LOCATED IN NORTH SACRAMENTO AT THE SOUTHWEST CORNER OF RALEY BLVD. AND YOUNGS AVE., SACRAMENTO, CA (P98-128) APN 237-0173-036**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO THAT:**

**WHEREAS**, the City Council conducted a public hearing on November 9, 1999 and took final action on November 9, 1999 concerning the entitlements for the above project, and based on documentary and oral evidence submitted at the public hearing;

**NOW THEREFORE BE IT RESOLVE BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO:**

That the attached Notice of Decision and Findings of Fact are hereby adopted for the Chevron Station Replacement.

ATTEST:



CITY CLERK

  
VICE MAYOR

P98-128

**FOR CITY CLERK USE ONLY**

Resolution No.: 99-641

Date Adopted: NOV 9 1999

F. Variance for building setback

F1. One hour exterior fire walls will be required along the south and west property lines since the building setback is less than 20 feet to the property lines.

G. Variance for second detached sign.

G1. The pole sign at the corner of Youngs Ave. and Raley Blvd. shall be replaced with an approved monument sign not exceeding 50 square feet of sign area and six feet in height including the monument base before issuance of a building permit.

ATTEST:

  
CITY CLERK

  
VICE MAYOR

P98-128

Attachments

Attachment 1

|            |   |
|------------|---|
| Exhibit 1A | Site Plan                                 |
| Exhibit 1B | Building Elevations- Front and Back       |
| Exhibit 1C | Building Elevations- Left and Right Sides |
| Exhibit 1D | Canopy Elevations                         |
| Exhibit 1E | Floor Plan                                |
| Exhibit 1F | Landscape Plan                            |

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**NOTICE OF DECISION AND FINDINGS OF FACT FOR  
CHEVRON STATION #9-1069 @ 4221 RALEY BLVD.  
SACRAMENTO, CALIFORNIA IN THE GENERAL COMMERCIAL ZONE.  
(P98-128)  
APN: 237-0173-036**

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The City Planning Commission heard and considered evidence in the above entitled matter at the regular meeting of September 23, 1999. Based on verbal and documentary evidence at said hearings, the Planning Commission approved said entitlements.

Pursuant to the provisions of the City's Comprehensive Zoning Ordinance, Chapter 7, Section 2-D, the Councilmember from District 2 "called-up" the above entitlements to be considered by the City Council.

The City Council conducted a public hearing on November 9, 1999 to consider the entitlements. Based on verbal and documentary evidence at said hearing, the City Council took the following actions for the location listed above:

- a. Exempt pursuant to CEQA Section 15302 (b);
- B. Approved of the Rezone for 0.73± developed acres from Highway Commercial (HC) zone to General Commercial-Review (C-2R) zone and forwarded to City Council;
- C. Approved the Plan Review to construct a gasoline station/ convenience market in the General Commercial- Review (C-2R) zone;
- D. Approved the Special Permit to operate a 24 hour convenience market within 500 feet of a residential area on 0.73± developed acres;
- E. Approved the Special Permit to sell beer and wine for offsite consumption;
- F. Approved the Variance to reduce the required minimum interior sideyard setback from 7.5 feet to one foot.
- G. Approved the Variance to allow two free standing signs within 300 feet of one another on the same parcel.

These actions were made based upon the following findings of fact and subject to the following conditions:

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**FINDINGS OF FACT**

- A. **Categorical Exemption:** the City Council finds and determines that the proposed project is exempt from environmental review pursuant to Section #15302 (b) of the CEQA Guidelines.
- C. **Plan Review** to construct a gasoline station/ convenience market in the General Commercial- Review (C-2R) zone
1. The Plan Review, as conditioned, is granted upon sound principles of land use in that:
    - a. The proposed development is consistent with the General Plan and the North Sacramento Community Plan;
  2. The Plan Review, as conditioned, will comply with zoning code requirements, in that:
    - a. The property involved is of adequate size and shape to accommodate the proposed use;
    - b. The building and fuel canopy meet the required building coverage, setback, and parking area.
  3. The Plan Review, as conditioned, will not be detrimental to the public health and welfare in that:
    - a. The facilities, including utilities, driveways, sanitation and drainage meet the City standards.
- D. **Special Permit** to operate a 24 hour convenience market within 500 feet of a residential area on 0.73± developed acres in the General Commercial (C-2) zone;
1. The Special Permit, as conditioned, is granted upon sound principles of land use in that:
    - a. 24 hour commercial uses within 500 feet of a residential district are permitted uses in the C-2R zone subject to the granting of a Special Permit by the City Planning Commission; and
    - b. Sufficient parking is available for employees, and visitors.

- c. The project will utilize a commercially built location.
    - d. The project will not adversely affect the surrounding land uses.
  2. The Special Permit as conditioned, will not be detrimental to the public health, safety or welfare, or result in the creation of a nuisance in that:
    - a. The operation of the 24 hour convenience market would be in accordance with the Police Department requirements;
    - b. The operation of the 24 hour convenience market would meet the concerns of the surrounding residential community;
  3. The Special Permit as conditioned, complies with the objectives of the General and North Sacramento Community Plan in which it is to be located in that:
    - a. The project will not alter the present or anticipated density of the subject site or region; and
    - b. The project will carry out the goals of the Sacramento General Plan and North Sacramento Community Plan.
- E. **Special Permit to sell beer and wine for offsite consumption.**
  1. The Special Permit, as conditioned, will not be detrimental to the public health, safety or welfare, or result in the creation of a nuisance in that:
    - a. The owners will limit the hours of the sale of beer and wine.
    - b. The owner will control how the beer and wine will be sold to avoid the possibility of loitering on the premises.
    - c. The owner will meet the requirements of the Police Department.
- F. **Variance to reduce the required minimum interior sideyard setback from 7.5 feet to one foot.**
  1. The Variance, as conditioned, shall not extend a special privilege to the property owner in that:

- a. Proper building design would include one hour exterior fire walls.
  2. The Variance, as conditioned, will not be injurious to the public welfare, nor to property in the vicinity of the applicant in that:
    - a. The building setback would prevent unwanted activity from occurring behind the building, as is presently the case.
    - b. A one hour fire would be provided as required by the Building Code.
  3. The Variance, as conditioned, is in harmony with the general purpose and intent of the Zoning Ordinance and will not affect the General Plan or North Sacramento Community Plan in that:
    - a. The proposed remodeled use would be an improvement to the surrounding area.
    - b. The proposed remodeled use is in conformity with the goals and policies of the Sacramento General Plan and the North Sacramento Community Plan.
- G. **Variance** to allow two free standing signs within 300 feet of one another on the same parcel.
1. The Variance, as conditioned, shall not extend a special privilege to the property owner in that:
    - a. There are presently two pole signs on the property.
  2. The Variance, as conditioned, will not be injurious to the public welfare, nor to property in the vicinity of the applicant in that:
    - a. The one detached sign at the street corner would be a monument sign which would have less light, glare and visual intrusion on the surrounding neighborhood.
    - b. The new sign would be required to comply with the Building Code
  1. The Variance, as conditioned, is in harmony with the general purpose and intent of the Zoning Ordinance and will not affect the General Plan or

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North Sacramento Community Plan in that:

- a. The proposed monument sign would be an improvement to the surrounding area.

**CONDITIONS OF APPROVAL**

The Plan Review, Special Permits and Variance are hereby approved subject to the following conditions:

C. Plan Review

Planning

- C1. The applicant shall provide bicycle security racks at the front of the business.
- C2. The parking areas must be visible for internal monitoring. Where windows are not appropriate for this purpose, closed circuit television shall be used. The type and location of the cameras shall meet the satisfaction of the Police Department.
- C3. All landscaping shall be maintained as at a minimum plant and/or shrub height of 30 inches and trees maintained at a minimum distance of 6 feet from lowest branch to the ground.
- C4. Decorative planting shall be maintained as not to obstruct or diminish lighting level throughout project.
- C5. The owner/operator of the convenience store/gas station shall not allow non-customers to gather or loiter in or around the convenience store/gas station.
- C6. Applicant shall sign an agreement delegating the sworn employees of the Sacramento Police Department to act as applicant's agents for the sole purpose of enforcing Section 602 (k) of the California Penal Code and that applicant agrees to properly post project property, aid in the investigation and prosecution of such cases. The posting shall consist of notices, in block letters: NO TRESPASSING VIOLATORS WILL BE PROSECUTED UNDER 602 (K) C.P.C.
- C7. The owner/operator shall be responsible for the removal of all litter

generated by this business. The business premises shall be patrolled once a day for trash/litter.

- C8. The owner/operator of the convenience store/gas station shall be responsible for abatement/removal of any and all graffiti on the property within 48 hours. Neighborhood Services Department is available to assist the operator by providing information for preventative measures to reduce the occurrence of graffiti. Graffiti shall mean any unauthorized inscription, work, figure, or design that is marked, etched, scratched, drawn, or painted on or otherwise affixed to or on any surface.
- C9. The owner/operator of the convenience store/gas station shall maintain the grounds and landscaping areas in a clean, weed free and groomed manner. Landscaping shall be replaced with live, healthy plants, trees and grass as needed if original landscaping dies.
- C10. The proposed new convenience store shall not be less than 40 feet to the existing vehicle fuel dispensing station canopy.
- C11. Store windows shall be left unobstructed to all viewing of the interior of the business by patrolling police.
- C12. Increase the height of the berm in front and to the sides of the air/ water station facing Youngs Ave. from two feet to three feet.
- C13. The parapet wall on the west side of the building shall be as tall as the other three parapet walls or taller in order to hide the mechanical equipment and provide noise attenuation to adjacent residential unit to the west.

#### Public Works

- C14. Repair or replace existing deteriorated curb, gutter and sidewalk to the satisfaction of the Department of Public Works.
- C15. Applicant shall remove the two parallel parking spaces located adjacent to the southern property line.
- C16. Applicant shall remove the western most parking space adjacent to the store.
- C17. Applicant shall reduce the width of the existing driveway on Raley



Boulevard near Youngs Avenue to 45' 18' and make it an entrance only driveway by angling the throat area of the driveway and by appropriate signing and striping. The driveway shall be reconstructed to the satisfaction of the Department of Public Works.

- C18. Applicant shall comply with A.D.A. requirements in all respects.
- C19. All new driveways shall be constructed to City Standards to the satisfaction of the Department of Public Works.
- C20. The applicant shall construct a median on Raley Boulevard adjacent to the subject site. The median shall consist of a left-turn pocket from Raley Boulevard onto Youngs Avenue at its northern end and shall extend to the southern property line of the subject site. The median shall be designed and constructed to the satisfaction of the Department of Public Works.
- C21. The applicant shall coordinate with the property owner to provide an Irrevocable Offer of Dedication for the additional right-of-way required for the future widening of Raley Boulevard (approximately 10') to the satisfaction of the Department of Public Works.

Advisory Note:

Advisory Note: Modifications to the existing street lighting system in the area may need to be part of the improvement plans due to any proposed improvements within the right of way.

#### Utilities

- C21. Stormwater quality control measures as specified in the draft "Best Management Practice Guide for Retail Gasoline Outlets" dated March, 1997 shall be incorporated into the development to minimize the increase of urban runoff pollutants and non-stormwater discharges.
- C22. These measures may affect site design and site configuration and therefore, should be considered during the early planning stages. Improvement plans must include source control measures.
- C23. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance will require 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.

- C24. An on-site surface drainage system is required and shall be connected to the street drainage system by means of a storm drain service tap. All on-site systems shall be designed to the standard for private storm drainage systems (per Section 11.12 of the Design and Procedures Manual).
- C25. The pad elevation for the convenience store shall be set based on the following guidelines:
- a. A minimum of one (1) foot above the highest adjacent back of curb grade;
  - b. Overland release in the general area, and
  - c. Conformity to existing adjacent pad elevations.
- C26. The finished floor elevation of the convenience store shall be 0.50 feet above the pad elevation.

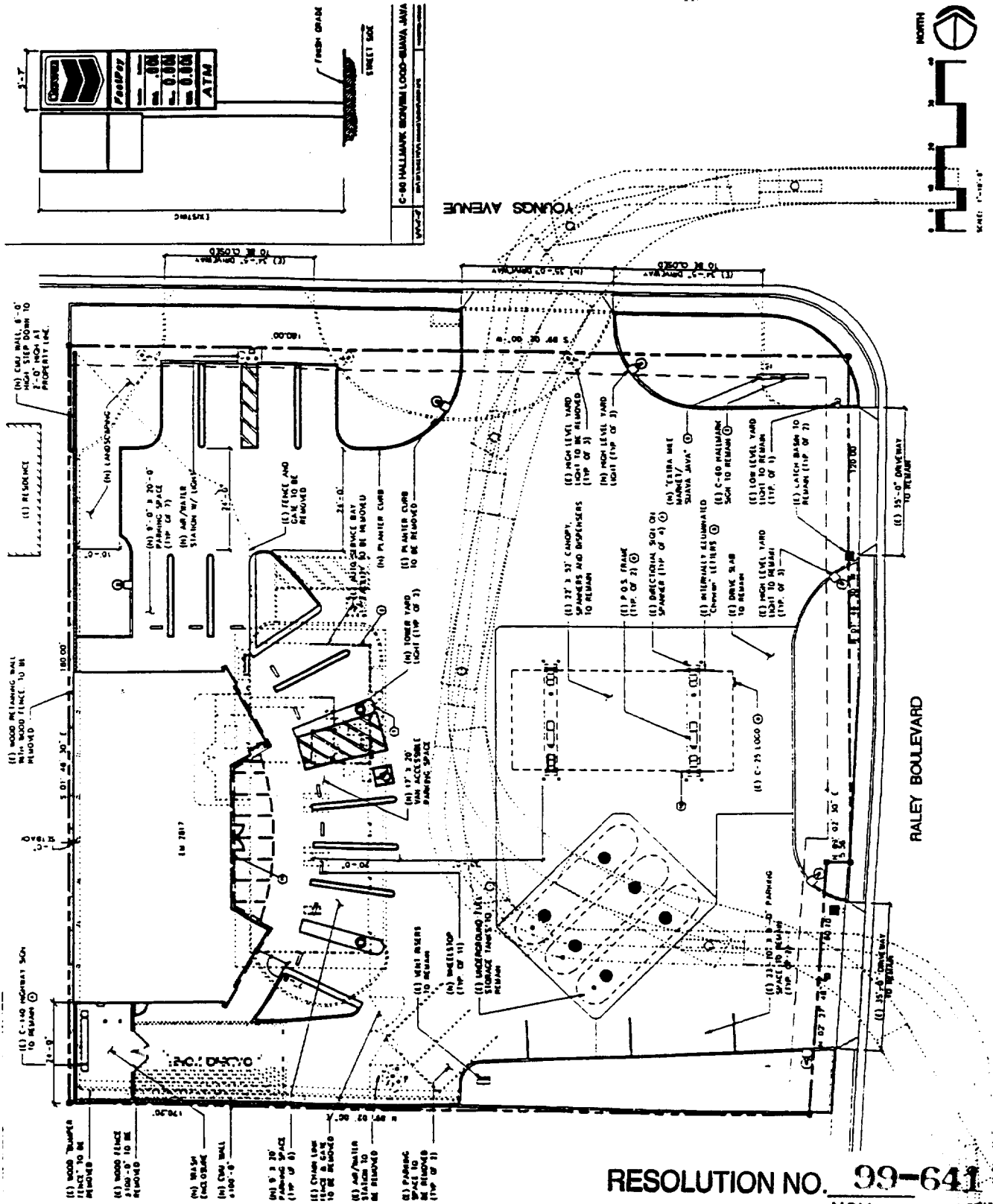
D. Special Permit for 24 hour operation

- D1. Two employees shall be working at the store at all times.
- D2. Lighting levels shall be as follows: 1.5 foot-candles of minimum maintained illumination per square foot of parking space between the hours of dusk and one hour after sunrise. A minimum of .25 foot-candles of illumination per square foot at the surface of any walkway, alcove, passageway related to the project during the same hours.
- D3. The following minimum security standards shall be incorporated into the interior design of the building:
- a. Cashier station shall be raised to provide a noticeable height advantage to employees.
  - b. Mirrors or closed circuit television will be placed in such a manner as to provide employees with the ability to observe all hidden corners and blind spots.

- c. Cold boxes shall be equipped with an audible enunciator to alert employees when the doors are opened.
  - d. The facility shall be equipped with UL approved money safes. Signs shall be prominently posted stating that employees do not have access to the safe.
  - e. The facility shall be equipped with remote locking devices to enable public entry doorway to be locked from cashier station.
- D4. A sign indicating a 24 hour emergency phone number and contact person shall be kept current and posted on the building.
- D5. The management and employees will not allow loitering on the premises.
- D6. The owners will meet the requirements of the Police Department.
- D7. All illegal activities observed on or around the business shall be promptly reported to the Police Department.
- D8. The applicant shall provide two working toilet facilities for use by the public. These rest rooms must be self-locking and the key must be available from the employees. Extra keys must be available in case of an emergency. Locks may be of the electronic remote control type. Interior rest rooms must be visible to attendants.
- D9. Any and all pay telephones at this site shall be located in the Store's interior with adequate signage to direct Public to telephone. No external phones at this site.
- E. Special Permit for Beer and Wine
- E1. Licensee shall post and maintain on the premises and in the parking lot used in conjunction therewith notices clearly visible to the patrons of the licensee and parking lot and to persons on the public sidewalk stating, in block lettering, the following: "UNLAWFUL TO ENTER, BE OR REMAIN ON ADJACENT PARKING LOT OR ADJACENT PUBLIC SIDEWALK WITH AN OPEN ALCOHOLIC BEVERAGE CONTAINER. B & P Code 25612.5; C.P.C. 647E(A); S.C.C. 26.24(c)".
  - E2. Beer and wine products shall be secured during the hours of 11pm. and 6am.

- E3. Beer and wine shall be allowed between the hours of 6am and 11pm subject to the following conditions:
- a. All public telephones must be maintained in a manner consistent with City ordinances regulating pay telephones. This telephone is to be limited to outgoing call only.
  - b. Applicant shall work with the Licensing Coordinator of the Police Department to ensure that the property is posted for "No Loitering" in accordance with 602 (k) P.C. An agreement is to be filed with the Police Department which will allow officers to remove loiterers and applicants agreement to prosecute.
  - c. Two employees shall be working at the store from opening until closing everyday.
  - d. Alcoholic beverages may not be sold between the hours of 11pm and 6am.
  - e. Beer will not be sold in single containers, including quart and liter containers.
  - f. Signs listing conditions (i) through (v) shall be posted conspicuously inside the store.
  - g. The sale of alcohol shall be limited to beer and wine only, no hard liquor sales allowed.
  - h. The word beer, wine or liquor shall not appear in the name or on any signs.
  - i. No advertising of beer or wine sales shall be allowed on exterior signs or window signs on the site.
  - j. Wine coolers shall not be sold in quantities of less than factory packs of four.
- E4. There will be no sale of beer or wine between the hours of 11:00 p.m. and 6:00 a.m.
- E5. The doors on the beer and wine cooler area will be automatically locked at 11:00 p.m. and remain locked until 6:00 a.m.

Exhibit 1A  
Site Plan



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Exhibit 1B  
Front and Back Elevations

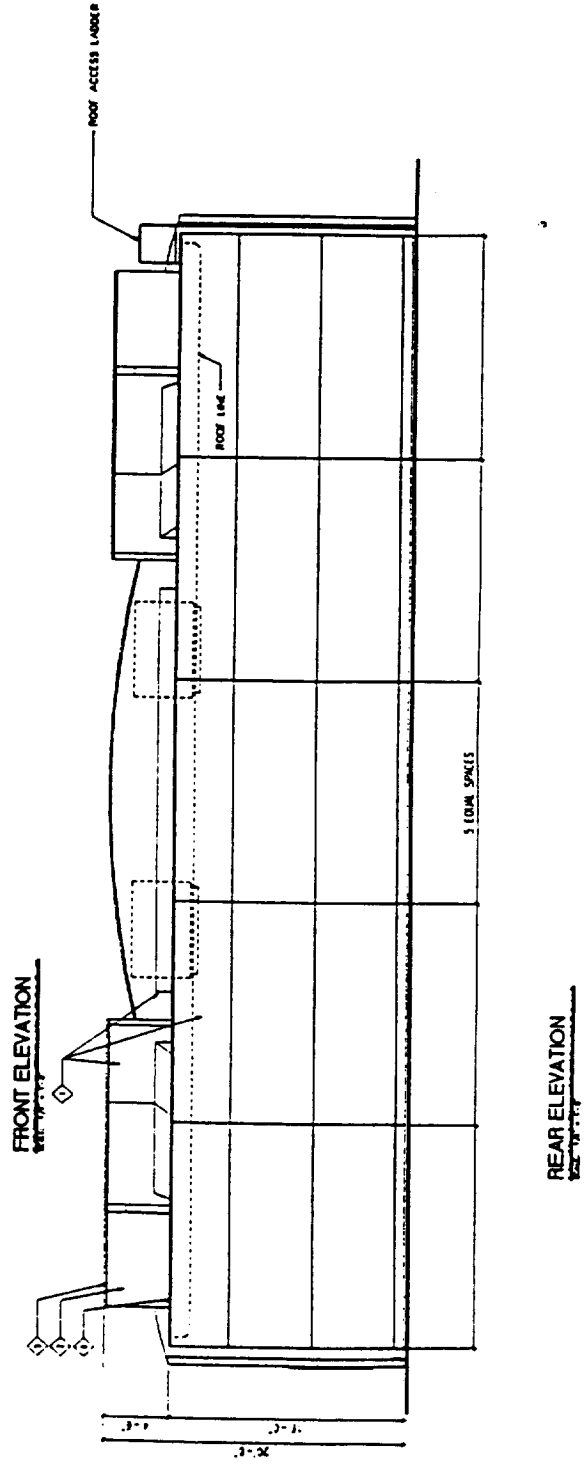
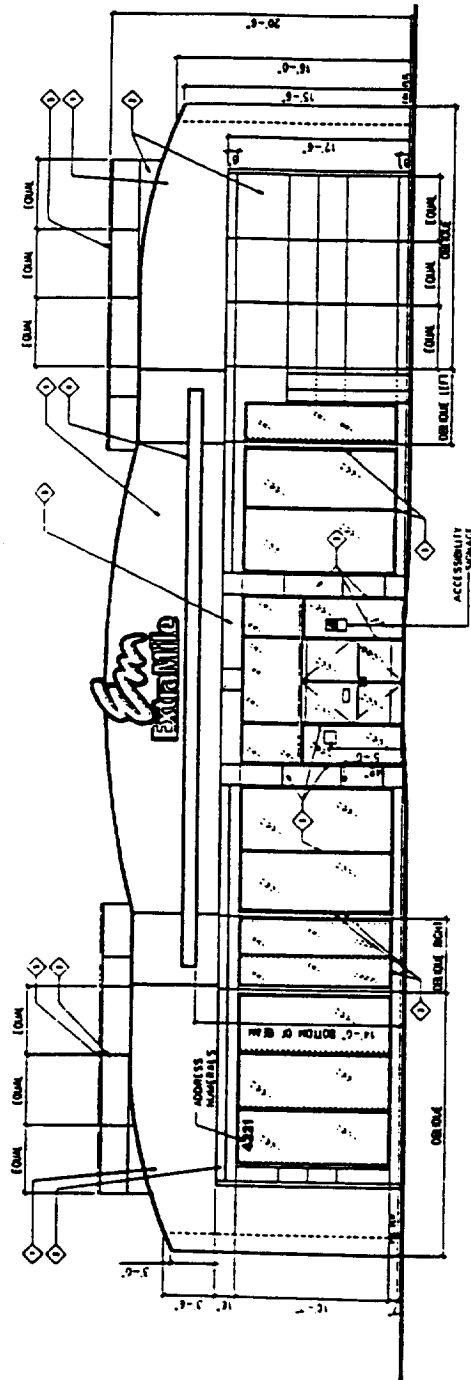
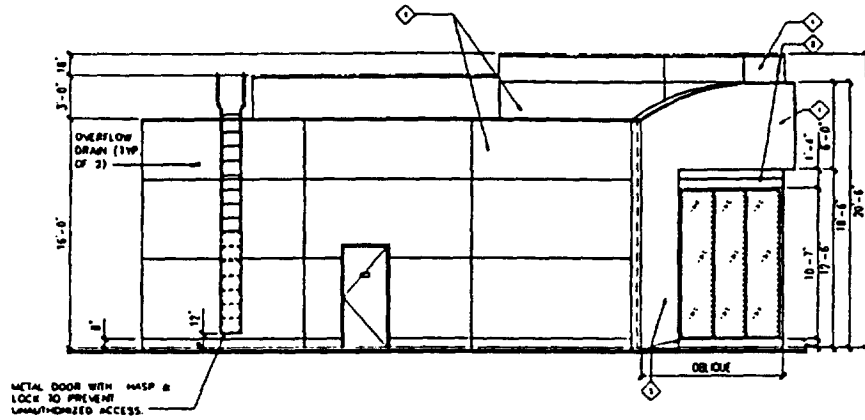
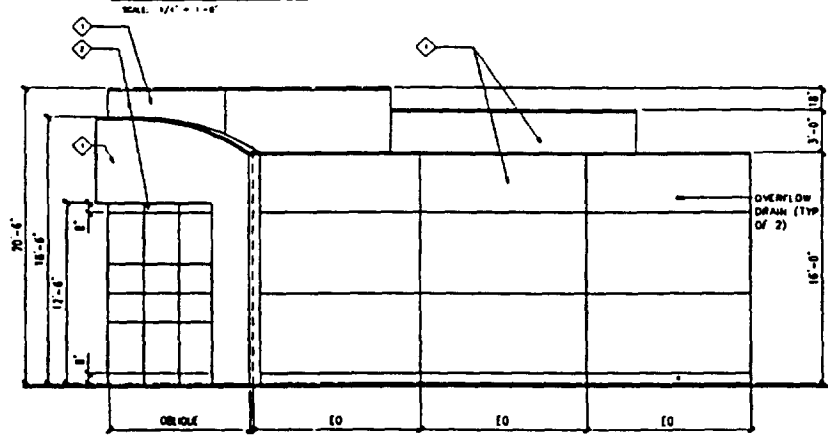


Exhibit 1C  
Left and Right Elevations



LEFT ELEVATION

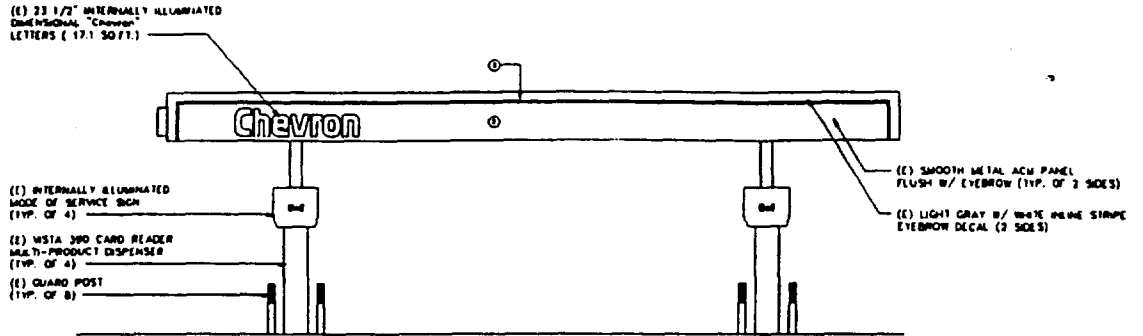


RIGHT ELEVATION

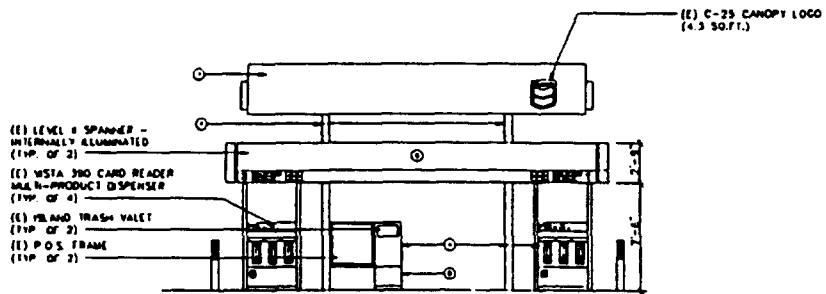
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Exhibit 1D  
Canopy Elevations

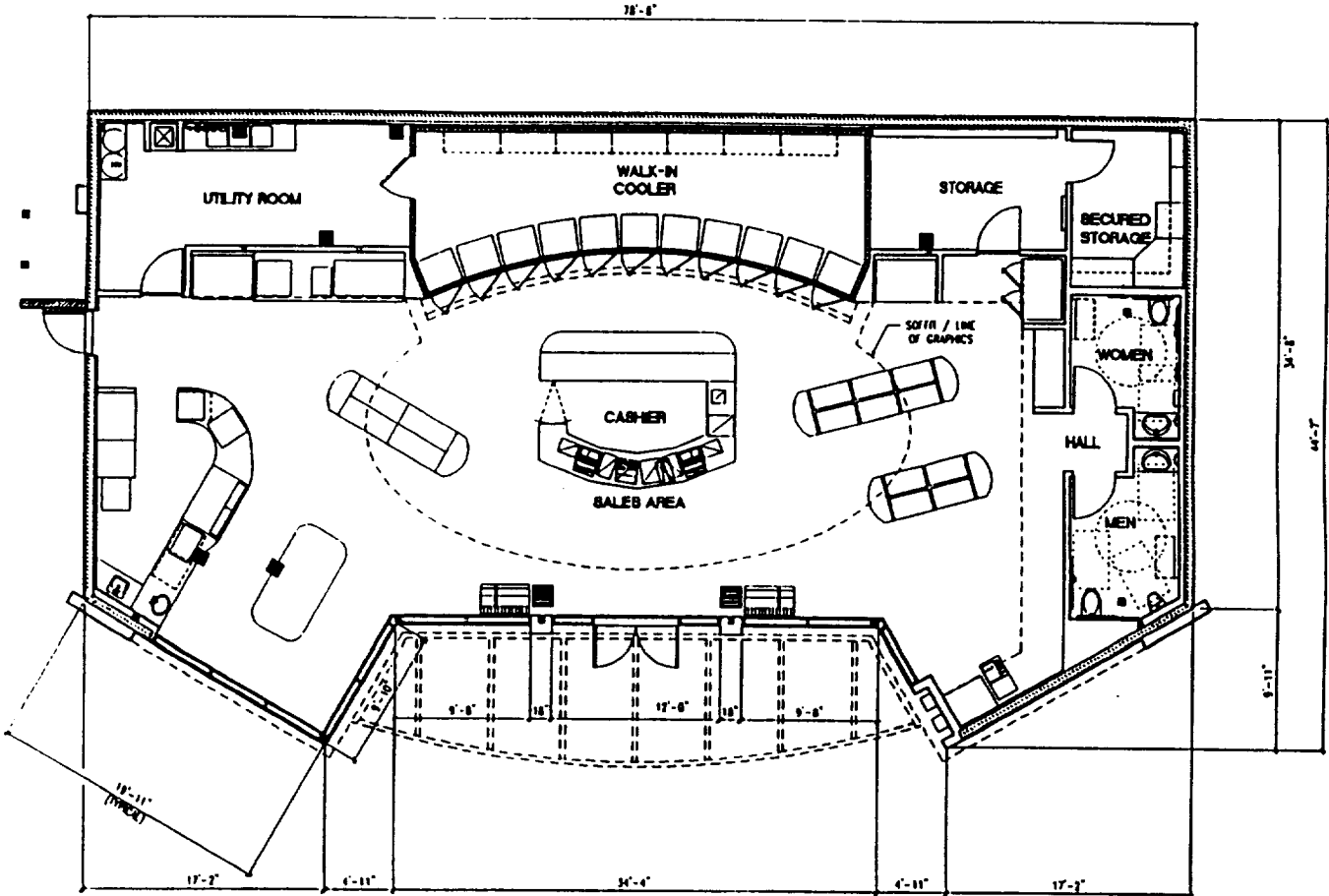


④ NORTH ELEVATION



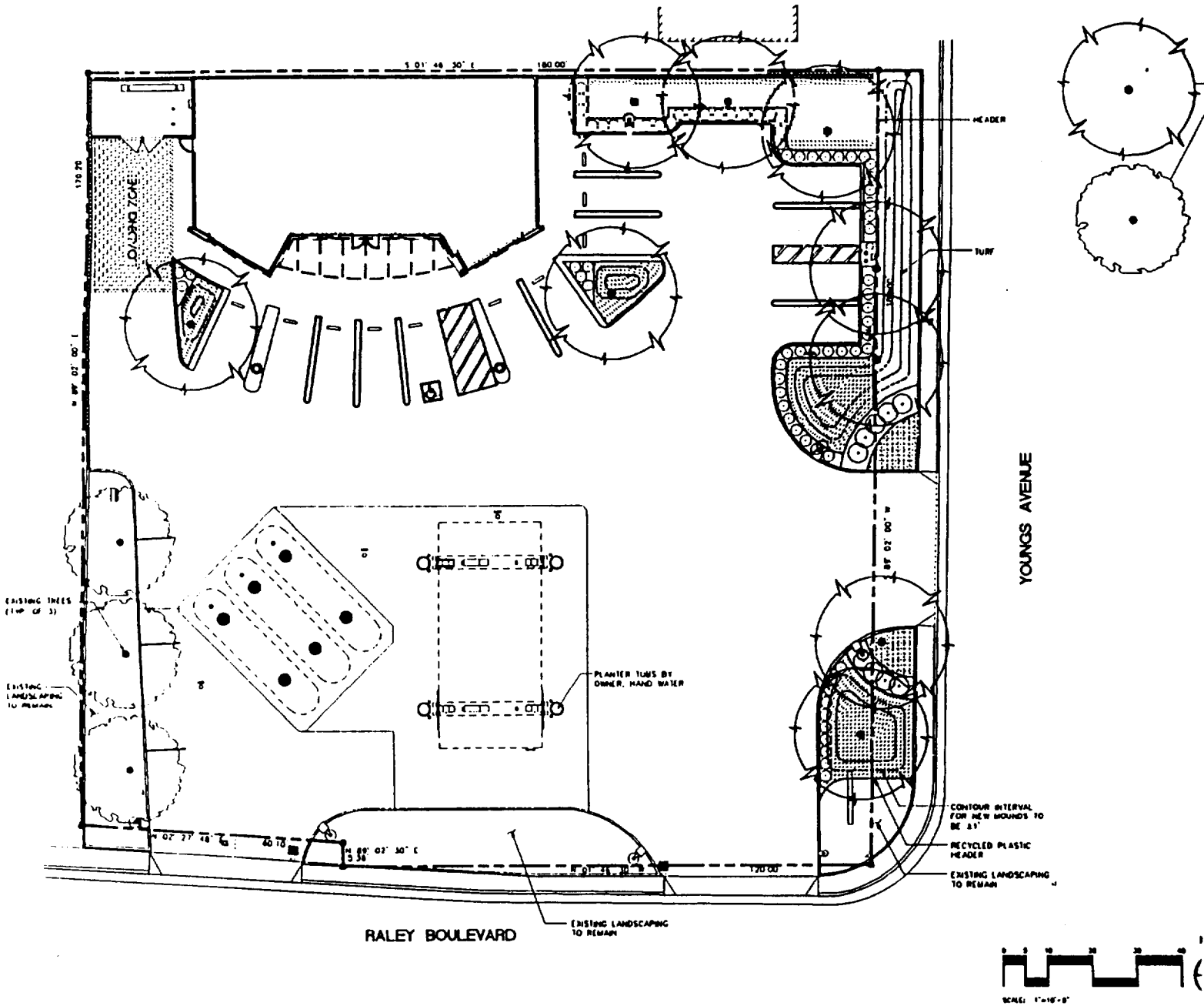
⑤ EAST ELEVATION





WALL LEGEND  
8"x8"x16" CONCRETE MASONRY UN  
2x4 WALLS  
3 1/2" INSULATED COOLER WALLS

Exhibit F  
Landscape Plan



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