

CITY PLANNING COMMISSION

1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814

APPLICANT	Robert H. Lee & Asso.; 1310 Commerce St.; Petaluma, CA 94954-1469		
OWNER	Chevron U.S.A., Inc.; 430 29th Street; Sacramento, CA 95816		
PLANS BY	Chevron U.S.A., Inc.		
FILING DATE	9/15/89	ENVIR. DET.	Neg. Dec. W/MM
ASSESSOR'S PCL. NO.	003-0153-024 & 015		
REPORT BY	BW:hp		

APPLICANT: A. Negative Declaration

B. Plan review to convert and expand a portion of an existing auto service station to a 24 hour convenience store on 0.44+ developed acres in the General Commercial (C-2) and General Commercial Review (C-2-R) zones.

C. Special permit to sell beer and wine for off-site consumption on 0.44+ developed acres.

D. Special permit to operate a 24-hour convenience store and gas station on 0.44+ acres.

E. Lot line adjustment to merge two developed lots into one on 0.44+ acres in the C-2 and C-2-R zones.

LOCATION: NW corner of 29th and E Streets

PROPOSAL: The applicant is requesting the necessary entitlements to convert and expand an existing auto service station into a 24-hour market/gas station with beer and wine sales.

PROJECT INFORMATION:

General Plan Designation: Community/neighborhood commercial & offices
 1980 Central City Community
 Plan Designation: General commercial
 Existing Zoning of Site: C-2 & C-2-R
 Existing Land Use of Site: Service station

Surround Land Use and Zoning:	Setbacks:	Required	Provided
North: Hotel & Motel Asso. & residential, C-2; R-3A	Front:	25'	74'
South: Liquor store/barber shop; C-2	Side (Int):	5'	5'
East: Freeway; TC	Side (St):	5'	81'
West: Apartments, R-3A; R-1B	Rear:	5' 0"	5'

Parking Required: 7 spaces (1:400 ratio)
 Parking Provided: 7 spaces
 Property Dimensions: 160.65' X 121.20'
 Property Area: 0.44+ acres
 Square Footage of Building: 2,684.5 sq. ft.
 Height of Building: 11 ft.
 Topography: Flat
 Street Improvements: Existing
 Utilities: Existing
 Exterior Building Materials: Proposed addition: Metal panels
 Roof Material: Built-up roof

PROJECT EVALUATION: Staff has the following comments:

A. Land Use and Zoning

The subject site consists of two developed parcels on 0.44± acres in the General Commercial (C-2) and General Commercial Review (C-2-R) zones. The General Plan and Central City Community Plan designate the subject site for Community/Neighborhood Commercial and Office and General Commercial respectively. Surrounding land uses are residential and commercial to the north, zoned R-3A and C-2; two liquor stores and a barber shop to the south, zoned C-2 and C-1-R; I-80 Freeway to the east in the TC zone and apartments to the west in the R-3A zone.

B. Applicant's Proposal

The applicant is requesting a Plan Review to convert and expand an existing gas station into a 24 hour convenience store. The expansion will involve constructing an additional 800 square foot storage space structure at the rear of the building. A special permit to sell beer and wine and operate 24 hours is also requested. The applicant's lot line adjustment request involves merging two commercially zoned lots into one.

C. Staff's Evaluation

The subject site is currently developed with a 1,884.5 square foot one story gas station known as Chevron Gas Station. The proposal consists of converting a portion of the existing automotive service into a convenience store and expanding the storage area by 800 square feet. The conversion and expansion will include a sales area, utility room, walk-in cooler and office area. The applicant also intends to eliminate one of the two existing canopies to allow better on-site vehicle circulation. The submitted site plan indicates the removal of an existing waste oil tank and a sign fronting on 29th Street. Immediately west of the subject site is a multi-family development. An existing 6 foot high redwood fence is located along the west property line adjacent to residential. The City's zoning ordinance requires a 6 foot high masonry wall between commercial property which abuts residentially zoned lots. Staff, therefore, recommends that a 6 foot high masonry wall be provided along the entire west property line.

The proposed storage addition will be constructed of metal panels with a built-up roof. The site plan indicates an existing trash enclosure which staff observed on the premises. The existing trash enclosure currently meets the City's Trash Enclosure Ordinance.

The gas station's existing hours of operation are 6:00 a.m. through 10:00 p.m. daily. The applicant is requesting to operate the convenience market and gas station 24 hours. There is currently a liquor store and a bar immediately across the street. The liquor store's hours of operation are between 6:00 a.m. through 2:00 a.m. daily. The bar is open between 10:00 a.m. and 2:00 a.m. daily. A market is also nearby the subject site which sells alcoholic beverages. The market's hours of operation are between 8:00 a.m. to 10 p.m. Sunday through Thursday and 8:00 a.m. to 12 midnight, Friday and Saturday. Staff had some concerns with the potential impact an additional convenience market, selling beer and wine after hours, might have on the surrounding residential uses. Staff is not opposed to the 24 hour gas station operation but is recommending that the convenience store's beer and wine sales be between the hours of 6:00 a.m. through 10:00 p.m. daily. Staff felt by limiting the sale of beer and wine to 10:00 p.m. daily would not significantly impact the surrounding residential neighborhood and would be consistent with the nearby market's week day hours of operation.

Within a six block radius of the site, there are only ~~four~~ five similar type of businesses, including the two

mentioned above, which sell alcoholic beverages. Staff feels that the existing number of similar businesses in the vicinity is not a high concentration of businesses selling alcohol. In addition, the proposed establishment will not create a high concentration of similar businesses in the area. Staff, therefore, is not opposed to the request to sell beer and wine for off-site consumption. The Police Department has indicated to staff that there has been no reports of prostitution, loitering or drugs in the area. The Police Department is not opposed to the business selling beer and wine and supports Staff's recommendation to limit the hours of operation for the sale of beer and wine. There has been no recent reports of police related activities at similar businesses within the six block radius. (**Corrected by staff, 2-2-90*)

D. Parking and Circulation

The submitted site plan indicates two driveway entrances off of 29th Street and one driveway entrance off of E Street. The applicant's site plan eliminates one of the existing driveways off of E Street. The City's Traffic Engineering Department recommended to the applicant that only one driveway be located off of E Street to lessen vehicle noise and traffic impacts near abutting multi-family units. The new driveway proposed on the subject site will be 45 feet wide. Traffic Engineering has indicated to Staff that the maximum driveway width shall be 35 feet wide. It is recommended by Staff that the applicant reduce the driveway width to 35 feet or work with the City Traffic Engineer to determine a reasonable driveway width prior to issuance of building permits. The submitted site plan indicates seven standard parking spaces located at the southwest portion of the site. Based on a 1:400 parking ratio for retail uses, a total of seven spaces are required.

E. Lot Line Adjustment

The applicant proposes to merge the two subject lots into one in order to operate the convenience market and gas station service on one lot. Currently, the proposed uses are located on two parcels. Staff would not typically approve one use operating on two lots, therefore, a lot line merger is necessary.

F. Signage

The submitted site plan indicates the removal of two existing Chevron signs fronting on E Street and 29th Street. A new 8 foot high Chevron monument sign is proposed on the subject site at the southeast corner. The proposed sign will be visible from vehicles travelling on both 29th Street and E Street. Staff is not opposed to the applicant's proposal but recommends that all detached and attached (structure or canopy) signs comply with the Sign Ordinance prior to issuance of sign permits.

G. Agency Comments

The applicant's proposal has been routed to the City's Traffic Engineer, Engineering, Building Inspections, City Police, City Water and Sewer Division, Parks and Recreation Department and City Real Estate. Staff routed the proposal to the Sacramento Old City Association and Midtown Business Association. The following comments were received:

Engineering Division:

1. File a certificate of compliance, submit all required documents according to the submittal requirements checklist and pay necessary fees.
2. File a waiver of parcel map.

3. Pay off or segregate any existing assessments.
4. Notice: Property to be merged in accordance with this certificate of compliance may be subject to flooding. Interested parties should ascertain whether and to what extent such flooding may occur. The applicable base flood elevations for the property should be reviewed. Base flood elevations are contained in the U.S. Army Corps of Engineers Flood Insurance Study Working Map for the Sacramento Community, dated January 1989, available at the City of Sacramento's Public Works Department, Development Services Division, Room 100, 927 10th Street.

Traffic Engineering:

1. Provide 3 foot flairs on all driveways.
2. Provide 10 feet between driveways and property lines.
3. No part of the driveways shall be within the corner radius.
4. Reconstruct driveways on E Street to the satisfaction of City Traffic Engineer.

ENVIRONMENTAL DETERMINATION: The environmental coordinator has determined that the proposed project will not have a significant adverse effect on the environment and has filed a negative declaration with the following mitigation measures.

1. The City shall not approve the final project building permit until the Land Use Policy EIR is completed and approved.
2. The applicant shall comply with all applicable measures imposed by the Land Use Planning Policy EIR prior to final project approval. The applicant is aware that applicable measures could substantially alter the proposed project and require additional future environmental review prior to the issuance of a City building permit.
3. The City shall not approve the final project building permit until the General Plan is amended to exclude areas designated A99 Flood Hazard zone from areas considered "subject to unreasonable risk of flooding."

However, if the proposed flood policy and General Plan amendment are not approved the proposed project must be reevaluated prior to issuance of the final building permit to determine the level of significance of flood hazards associated with the project and to re-issuance of mitigation measures to address the identified impact.

4. The applicant shall consult with the North Central Information Center to identify known cultural resources and potential cultural resources which could be found on the site. This records search shall be submitted to the Environmental Services Division prior to issuance of any building permits. If the records search concludes that the potential exists for such resources, a field survey shall be conducted by a qualified professional archaeologist. The field survey shall be submitted to the Environmental Services Division prior to issuance of any building permits. The survey shall include any mitigation measures that would reduce the impact to less than significant levels.

In compliance with Section 15070(b) 1 of the California Environmental Quality Act Guidelines, the applicant has incorporated the following mandatory mitigation measure into the project plans to avoid identified effects or to mitigate such effects to a point where clearly no significant effects would occur.

P89-340

2-8-90
January 11, 1990
~~1-25-90~~

Item No. 482
H

RECOMMENDATION: Staff recommends the following actions:

- A. Ratify the negative declaration;
- B. Approve the Plan Review to convert and expand an existing gas station to a 24 hour convenience market on 0.44± acres in the C-2 and C-2-R zones subject to conditions and based on findings of fact which follows;
- C. Approve the Special Permit to sell beer and wine for off-site consumption in a 24 hour convenience market subject to conditions and based on findings of fact which follows;
- E. Approve the lot line adjustment to merge two lots into one by adopting the attached resolution;
- D. Approve the Special Permit to operate a 24 hour convenience market on 0.44± acres in the C-2 and C-2-R zones subject to conditions and based on findings of fact which follows:

Conditions

- 1. All new attached and detached signs (structure or canopy) comply with the sign ordinance prior to issuance of sign permits.
- 2. Applicant shall construct a 6 foot high masonry wall along the entire west property line prior to issuance of building permits.
- 3. The convenience store's beer and wine sales shall be between the hours of 6:00 a.m. through 10:00 p.m. daily.
- 4. Applicant shall reduce the driveway width to 35 feet or work with the City's Traffic Engineer to determine a reasonable driveway width prior to issuance of building permits.
- 5. Applicant shall provide 3 foot flairs on all driveways.
- 6. Applicant shall provide 10 feet between driveways and property lines as required by the Traffic Engineer.
- 7. Applicant shall comply with the City's Underground Tank Ordinance to the satisfaction of the City Fire Department, County Environmental Health Section, and State Department of Health Services, prior to the issuance of any building permits.
- 8. The business shall be designed in such a manner as to provide employees a full view of all parking surfaces on the property from inside the store. Closed circuit television systems may be used to accomplish this goal.
- 9. No signs, display counters, or other items shall be placed in such a manner as to block the interior view of the cash register area from outside the business.
- 10. The parking lot shall be illuminated by at least 1.5 foot candles as measured at any given point on the parking lot surface, during the hours of darkness.
- 11. The property shall be clearly posted against trespassing, and loitering and the possession of open containers of alcohol to the satisfaction of the Police Department. (*Amended by staff, 2-2-90)

11. The property shall be clearly posted against trespassing, ~~and loitering~~ *and the possession of open containers of alcohol to the satisfaction of the Police Department. (*Amended by staff, 2-2-90)*
12. Rest rooms shall be provided with automatically closing and locking doors. Keys or other methods of entry are to remain under the control of employees.
13. The City shall not approve the final project building permit until the Land Use Policy EIR is completed and approved.
14. The applicant shall comply with all applicable measures imposed by the Land Use Planning Policy EIR prior to final project approval. The applicant is aware that applicable measures could substantially alter the proposed project and require additional future environmental review prior to the issuance of a City building permit.
15. The City shall not approve the final project building permit until the General Plan is amended to exclude areas designated A99 Flood Hazard zone from areas considered "subject to unreasonable risk of flooding".

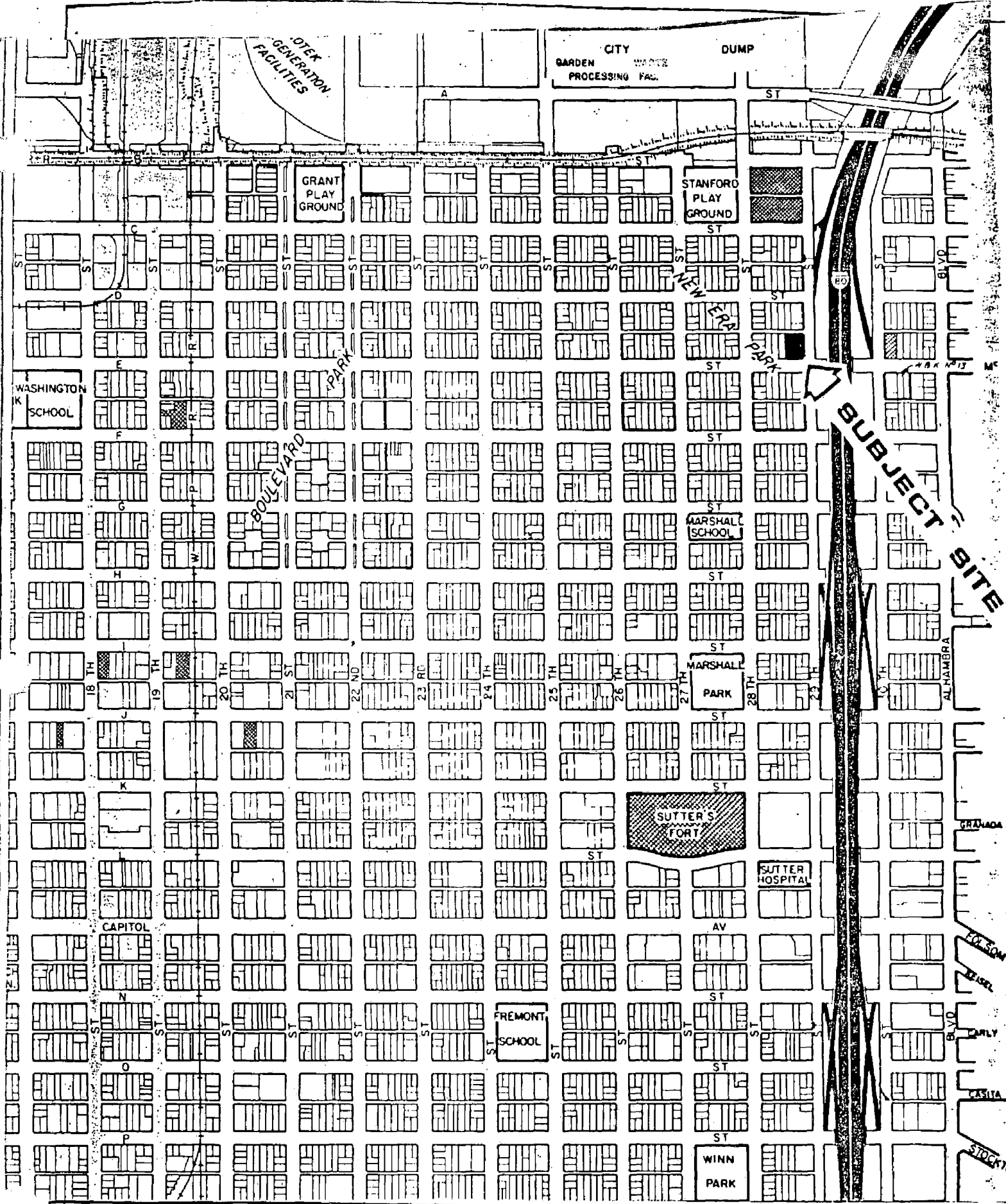
However, if the proposed flood policy and General Plan amendment are not approved the proposed project must be reevaluated prior to issuance of the final building permit to determine the level of significance of flood hazards associated with the project and to re-issuance of mitigation measures to address the identified impact.

16. The applicant shall consult with the North Central Information Center to identify known cultural resources and potential cultural resources which could be found on the site. This records search shall be submitted to the Environmental Services Division prior to issuance of any building permits. If the records search concludes that the potential exists for such resources, a field survey shall be conducted by a qualified professional archaeologist. The field survey shall be submitted to the Environmental Services Division prior to issuance of any building permit. The survey shall include any mitigation measures that would reduce the impact to less than significant levels.
17. *Existing planter areas shall be landscaped. A landscape and irrigation plan shall be submitted to staff for review and approval prior to issuance of building permits. (Added by staff, 1-17-90)*
18. *No sales of beer shall be sold in less than quantities of a six pack.*
19. *Wine coolers shall be sold no smaller than factory packs of four.*
20. *No fortified wine shall be sold on the premises. (*Added by staff, 2-2-90)*
21. *The expansion of the gas station shall be reviewed and approved by the City's Design Review coordinator prior to issuance of building permits. (**Added by staff, 2-6-90)*

Findings of Fact:

1. The proposed use, as conditioned, will not adversely affect the peace or general welfare of the surrounding neighborhood in that:
 - a. adequate on-site parking and landscaping will be provided;

- b. the hours of operation will not impact the surrounding residences in the area and the establishment will only sell beer and wine between the hours of 6:00 a.m. through 10:00 p.m. daily;
 - c. the proposed use is expanding and converting an existing gas station with a new convenience market; and
 - d. a 6 foot high masonry wall will be provided along the west property line adjacent to residential uses.
2. The proposed use will not enlarge and encourage the development of a skid row or blighted area in that:
 - a. there has been no reports of loitering, drugs and alcohol related problems in the area; and
 - b. the establishment will only sell beer and wine between the hours of 6:00 a.m. through 10:00 p.m. daily.
 3. The sale of alcohol will not result in an undue concentration of establishments dispensing alcoholic beverages, in that, there are only ~~four~~ *five* existing similar businesses within a six block radius which sell alcoholic beverages. (**Corrected by staff, 2-2-90*)
 4. The proposed use is consistent with the General Plan and the 1980 Central City Community Plan in that the site is designated Community/Neighborhood Commercial and Offices, and General Commercial respectively.



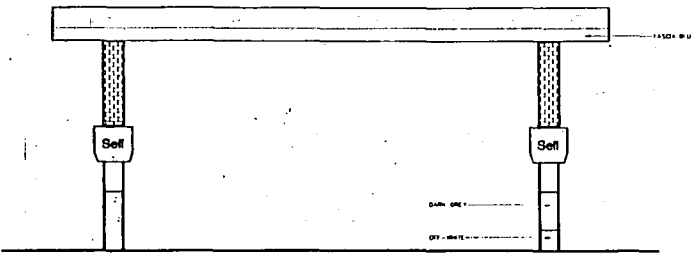
VICINITY MAP

P89-340

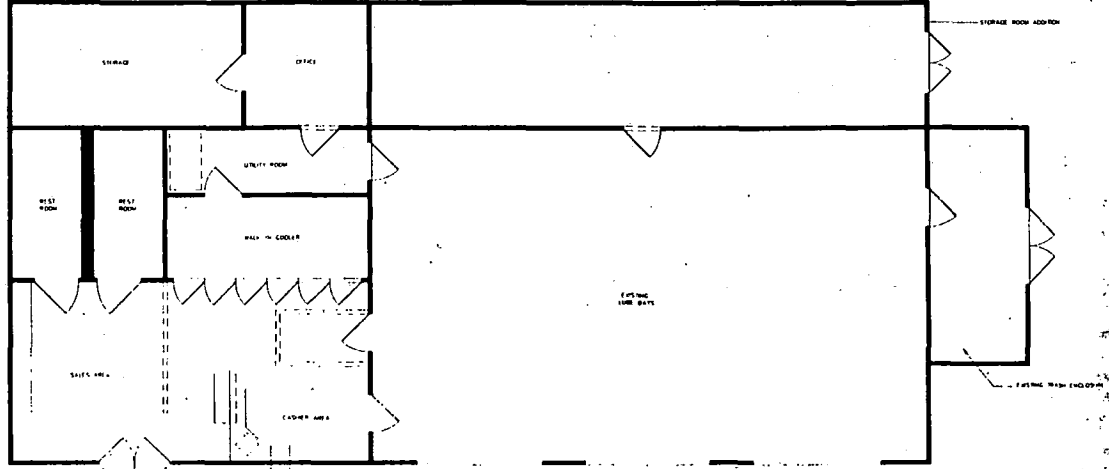
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 1-11-90
 2-8-90

Item # 2

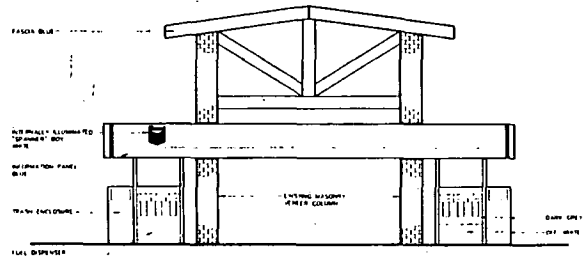
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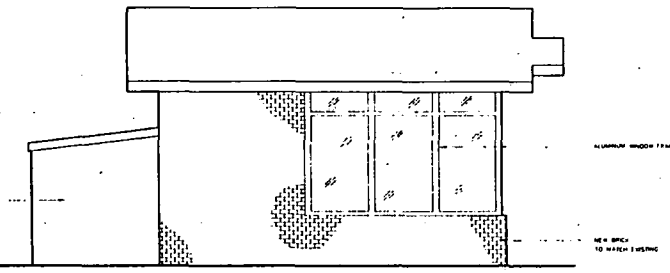
CANOPY SIDE ELEVATION



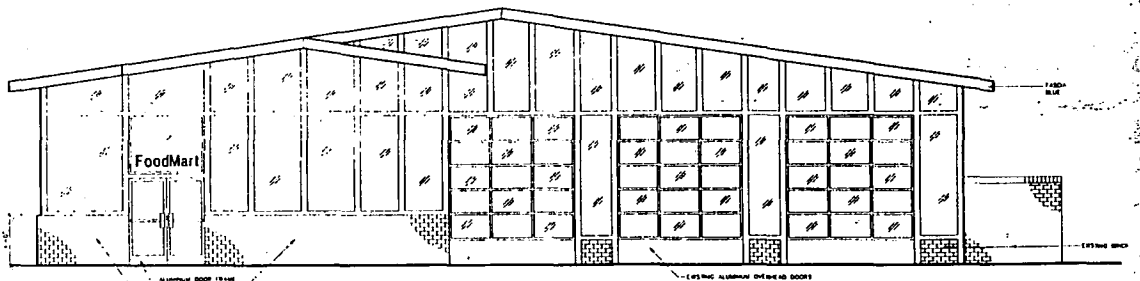
FLOOR PLAN



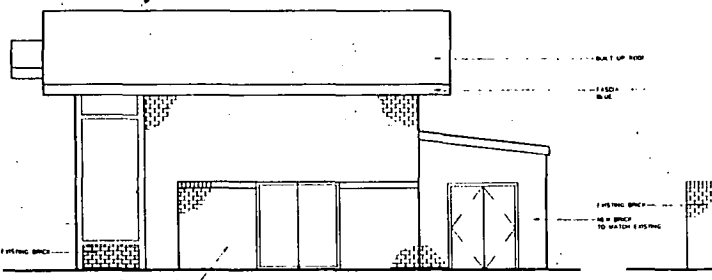
CANOPY FRONT ELEVATION



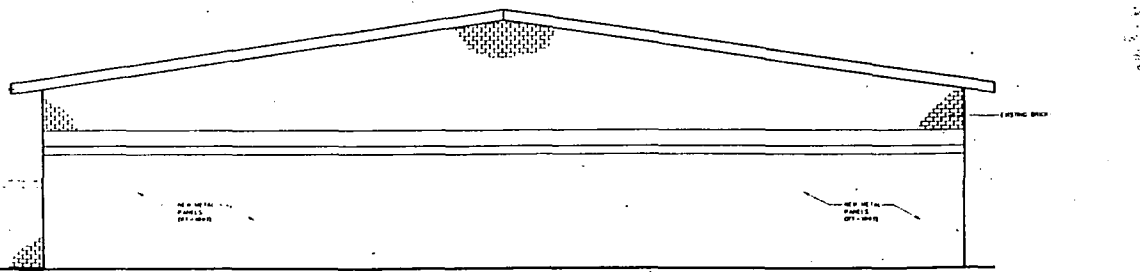
SIDE ELEVATION



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION

7-25-90
1-11-90

item #

DRAWING ISSUED FOR: PLANNED RETAIL PERMIT BID	DATE PREPARED: 1/24/90 DATE: 1/24/90	Chevron USA, Inc. Marketing Operations Center 21000 15170 15170	FLOOR PLAN AND BUILDING CANOPY ELEVATIONS 70TH & E STREET SACRAMENTO, CA SCALE: 1/4"=1'-0" DR: J.D.H. QI: U. SET: 9-5632 6457
CONSTRUCTION RECORD DRAWING	RECORD DRAWING 1/24/90	RECORD DRAWING 1/24/90	9/24/90 2

Exhibit B



ROBERT H. LEE & ASSOCIATES, INC.

ARCHITECTURE

PLANNING

ENGINEERING

1310 COMMERCE STREET, PETALUMA, CA 94952

(707) 765-1660

LEGAL DESCRIPTION

ALL THE REAL PROPERTY SITED ON THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL 1 LOT 229 THROUGH 232, EXCLUSIVE OF PLOT OF NEW ERA PARK; ACCORDING TO THE OFFICIAL PLOT THEREOF FILED IN THE OFFICE OF THE RECORDER IN SACRAMENTO COUNTY, CALIFORNIA, IN JANUARY 22, 1907, BOOK 7 OF MAP, MAP #50.

PARCEL 2 LOT 233 OF PLOT OF NEW ERA PARK; ACCORDING TO THE OFFICIAL PLOT THEREOF, FILED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY, CALIFORNIA, IN JANUARY 22, 1907 IN BOOK 7 OF MAP #50.

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