

EXHIBIT A - PAGE 5

2

PROJECT EVALUATION: Staff has the following comments:

A. Land Use and Zoning

The subject site consists of three parcels totaling 0.49 acres in the General Commercial (C-2) zone. There are three existing structures in poor condition on the site that will be demolished to allow for the proposed project. Surrounding land uses include a restaurant and single family homes zoned C-2 and R-1 to the north, vacant commercial buildings to the south, single family homes zoned R-1 to the east, and County property zoned commercial to the west. The site is directly adjacent to the boundary of the Oak Park Redevelopment Plan. Although outside the Plan area, many of the policies and concerns regarding a redevelopment area are applicable and can be considered for this site.

B. Applicant's Proposal

The applicant is proposing to construct a 3,000 square foot convenience store and self-serve gasoline station. The applicant is requesting a special permit to sell beer and wine for off-site consumption, a variance to reduce the required rear yard setback, and a lot line adjustment to merge the three existing lots.

The applicant intends to operate the market and gas station daily from 6:00 a.m. to 10:00 p.m. Two employees will be on the premises at all times. In addition, the applicant is proposing a private security guard to be on site from 5:00 p.m. to 10:00 p.m. between October through March, and 7:00 p.m. to 10:00 p.m. from April through September.

C. Staff Analysis

Staff has some concerns about the proposed project because of its location in a high crime area. However, the applicant has agreed to numerous conditions that should limit the possibility of problems arising because of beer and wine sales. Therefore, staff supports the special permit request. The conditions include limiting the hours of operation, quantities of alcohol to be sold, posting of a security guard, posting of the property with no trespassing signs, establishing a "good neighbor policy," removal of "liquor" from the name and sign, no video games, and t.v. security monitoring of the facility. The entire list of conditions follow in the conditions of approval for the special permit.

The submitted site plan indicates the 3,000± square foot market located directly on the rear property line. The Zoning Ordinance requires a 15 foot building setback in the rear yard when a commercial lot is adjacent to a residentially zoned lot. Staff recommends the applicant revise the site plan to relocate the market to the south property line. The property adjacent to the south is also zoned C-2 which would allow the building to be placed directly on the property line with no setback. This revision would eliminate the need for a variance and lessen the impacts on the adjacent single family home. Staff sees no justification to support a variance in that a clear design alternative is available. With the relocation of the building, an 8 foot masonry wall is recommended for the eastern property line to reduce the noise and nuisance impacts on the adjacent residence. Staff suggests extensive landscaping throughout the site with automatic irrigation. A landscape

EXHIBIT A - PAGE 6

3

plan should be submitted to staff for review and approval prior to issuance of building permits. The applicant has not submitted a sign plan. Staff recommends an 8 foot monument sign and two attached signs on the fascia of the market. The applicant should submit a sign program to staff for review and approval prior to issuance of sign permits.

D. Lot Line Merger

The applicant requests to merge three lots totaling 0.49 ± partially developed acres. The merger is needed to accommodate the overall development of the site. Staff has no objections to the merger.

E. Agency Comments

The proposed project was reviewed by the City's Traffic Engineering, Engineering, Building Inspections, Police, and Real Estate Division as well as the Oak Park PAC and Colonial Park Arts and Recreation Effort. The following comments were received:

Traffic Engineering

1. Driveway permits required
2. Provide evidence of pedestrian easement along Stockton Boulevard - dedication may be required

Police

The Police Department is opposed to any additional businesses in this area that will engage in the sale of alcohol. While there appears to be very little opposition from possible neighbors, the four supervising sergeants assigned to this sector believe that allowing the sale of alcohol will have an adverse impact on the crime in the area.

The Stockton Boulevard area has serious problems with drugs, prostitution, and related crimes. Businesses engaged in liquor sales have traditionally attracted more than their share of these problems, particularly along Stockton Boulevard.

Due to recent changes in the Police computer systems, they were unable to provide crime statistics at this time, however, will attempt to have them available by the date of the planning commission hearing on this permit.

The Police have indicated to staff that, if approved, the conditions listed in the report are appropriate and should be required. Staff has met with the Police to develop the listed conditions of approval.

Colonial Park Arts and Recreation Effort

*Colonial Park Arts and Recreation Effort (C.A.R.E.) a neighborhood organization wishes to convey its support for the convenience store which is to be located at 14th Avenue and Stockton Boulevard.

EXHIBIT A - PAGE 7

4

We have been in contact with Mr. Mann, their representative, and he has assured as of their intent to adhere to the restrictions requested by C.A.R.E. and Councilman Serna. One of these restrictions being the removal of liquor in the name of the store. As long as these restrictions are implemented, C.A.R.E. will be satisfied. The Oak Park PAC was scheduled to meet on this project May 3, 1989, and indicated any comments would be forthcoming.

ENVIRONMENTAL DETERMINATION: The Environmental Coordinator has determined that the project as proposed will not have a significant impact to the environment; therefore, a Negative Declaration has been prepared. In compliance with Section 15070 (B)1 of the California Environmental Quality Act Guidelines, the applicant has incorporated the following mandatory mitigation measures into the project plans to avoid identified effects or to mitigate such effects to a point where clearly no significant effects would occur:

A. The applicant will comply with the following state regulation:

- o Section 65-019 of the California Labor Code requires developers to specify all asbestos containing materials in existing buildings prior to demolition or renovation.

If asbestos containing materials are identified on the project site, the applicant will determine the quantity of the material to be removed and comply with the following applicable State and Federal regulations:

- o California Occupational Safety and Health Administration (CAL-OSHA) worker safety standards must be applied to any demolition or renovation of structures that contain more than 100 square feet of asbestos containing materials. Specific standards are provided by CAL-OSHA (San Francisco Office: 415/557-2037).
- o Environmental Protection Agency (EPA) National Air Emission Standards must be applied to any demolition or renovation of structures that contain more than 160 square feet or 260 linear feet of asbestos containing materials. Specific information is provided by EPA (San Francisco Office: 415/974-7633).

In order to document compliance * with these measures, the applicant will provide a copy of the awarded demolition bid to the City Planning Director prior to issuance of a building permit.

* Recent State Legislation (AB3180) required all Public Agencies to adopt a mitigation monitoring and reporting program by January 1, 1989.

RECOMMENDATION: Staff recommends the Commission take the following actions:

- A. Ratify the Negative Declaration.
- B. Approve the Special Permit with conditions and based upon findings of fact which follow.
- C. ~~Deny the Variance based upon findings of fact which follow (Staff Deleted).~~

EXHIBIT A - PAGE 8

5

- C. *Approve the Variance to reduce the required 15' setback to 5' with conditions and based upon findings of fact which follow.*
- D. ~~Approve the Lot Line Adjustment by adopting the attached resolution (Staff Deleted).~~
- D. *Approve the Variance to waive a portion of the required masonry wall with conditions and based upon findings of fact which follow (Amended by staff).*
- E. *Approve the Lot Line Adjustment by adopting the attached resolution (Amended by staff).*

Conditions - Special Permit

1. The applicant shall comply with the following environmental mitigation measures:
 - a. The applicant will comply with the following state regulation:
 - o Section 65-019 of the California Labor Code requires developers to specify all asbestos containing materials in existing buildings prior to demolition or renovation.

If asbestos containing materials are identified on the project site, the applicant will determine the quantity of the material to be removed and comply with the following applicable State and Federal regulations:

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In order to document compliance * with these measures, the applicant will provide a copy of the awarded demolition bid to the City Planning Director prior to issuance of a building permit.

* Recent State Legislation (AB3180) required all Public Agencies to adopt a mitigation monitoring and reporting program by January 1, 1989.
2. The applicant shall submit revised site plans indicating the relocation of the convenience market to the south property line (eliminating the need for a variance) to the Planning Director for review and approval prior to issuance of building permits.
3. The applicant shall submit a detailed landscape plan to the Planning Director for review and approval prior to the issuance of building permits.

EXHIBIT A - PAGE 9

6

4. The applicant shall submit a sign program to the Planning Director for review and approval prior to issuance of sign permits. The detached sign shall be an 8 foot high monument type sign with a maximum 48 square feet in area.
5. The sale of alcohol shall be limited to beer and wine only, no hard liquor sales allowed.
6. Beer shall not be sold in quantities of less than one six pack.
7. Wine coolers shall not be sold in quantities of less than factory packs of four.
8. The hours of operation of the market and gas station shall be 6:00 a.m. to 10:00 p.m.
9. The applicant shall post a security guard 5:00 p.m. to 10:00 p.m. from October through March and 7:00 to 10:00 p.m. from April through September.
10. Two employees shall be working at the store from opening until closing everyday.
11. No public telephone shall be installed at the site.
12. No advertising of beer or wine sales shall be allowed on exterior signs or window signs on the site.
13. The word beer, wine or liquor shall not appear in the name or on any signs.
14. The applicant shall install gates or chains to prevent automobiles from parking on the site after closing hours. This installation shall be to the satisfaction of the Planning Director and Police Department.
15. 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 in the Police Department.
16. The applicant shall construct an 8 foot high masonry wall along the eastern property line.
17. Project lighting shall be as follows: 1.5 footcandles of minimum maintained illumination per square foot of parking space during business hours and .25 footcandles of 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.
18. The applicant shall be responsible for the daily removal of litter from adjacent property and streets that result from this project.
19. Store windows shall be left unobstructed to all viewing of the interior of the business by patrolling police. Design to allow for window surveillance by employees of all outside areas from the employees primary work positions.

EXHIBIT A - PAGE 10

7

20. The applicant shall have display counters low enough that the cashier has visibility throughout the store.
21. The applicant shall install buzzers on doors of the coldbox to notify clerks that door is open.
22. Cashier station shall be visible from parking area.
23. The applicant shall install a drop safe and post a sign indicating that employees do not have access to the safe.
24. Signs shall be posted prohibiting consumption of alcoholic beverages in the business or in the parking areas. Signs shall read: "It is unlawful to enter or remain on these premises, adjacent parking lot, or adjacent public sidewalk with an open alcoholic beverage container. P.C. 647e(a)" - plus any appropriate local ordinances. Lettering to be block style and a minimum of 2 1/2" in height. Signs will be clearly visible to the patrons of the business parking lot and to persons on the public sidewalk.
25. All illegal activities observed on or around the business shall be promptly reported to authorities.
26. Business rules shall be posted in the business interior in a conspicuous place.
27. The applicant shall install two working toilet facilities for use by the public. These rest rooms must be self-locking and the key must be available from the attendant. Extra keys must be easily accessible in case of emergencies. Interior rest rooms must be visible to attendants. They may be controlled by remote, electronic locks.
28. The applicant shall install bicycle security racks at the front of the business.
29. The parking areas must be visible for internal monitoring. There shall be windows on all sides where parking is allowed. If that is not feasible, there should be CCTV monitoring of the blind side(s).
30. Videos and magazines shall be prohibited to discourage loitering. No public telephones shall be allowed on the site.
31. The applicant shall agree to a "good neighbor policy." This "good neighbor policy" requires that if any problems arise and the City receives complaints on the site, the City will commence with Special Permit revocation hearings. The revocation hearing shall be at the discretion and direction of the Planning Commission.

Findings of Fact - Special Permit

1. The proposed use as conditioned will not adversely effect the peace or general welfare of the surrounding neighborhood in that:

EXHIBIT A - PAGE 11

8

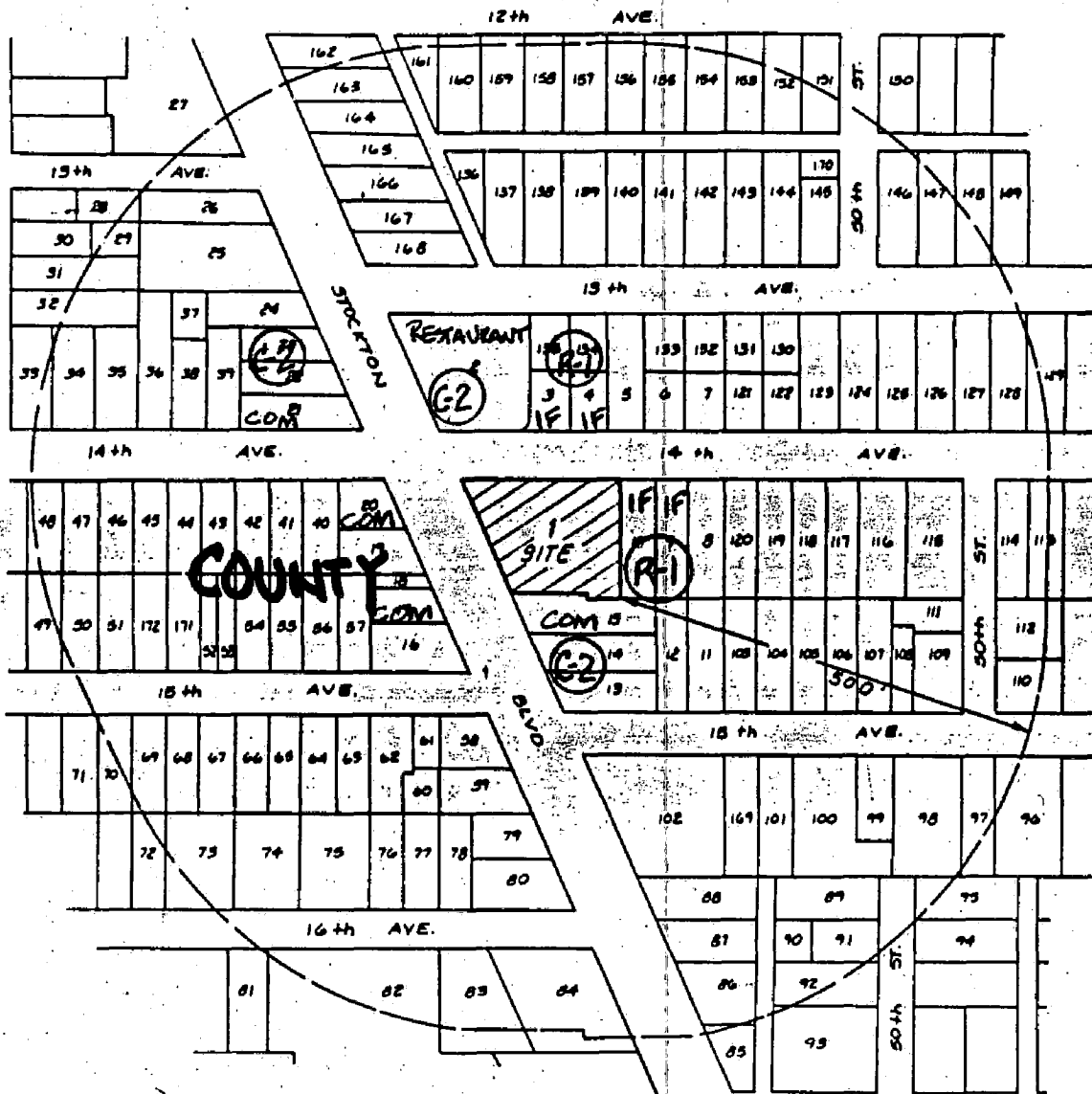
- a. the hours of operation will be limited;
 - b. two employees and a security guard will be on site;
 - c. quantities of beer and wine sales will be regulated; and
 - d. the operation will be closely scrutinized.
2. The proposed use will not result in undue concentration of establishments dispensing alcoholic beverages in that no similar establishments are located in close proximity.
 3. The proposed use, as conditioned, will not enlarge or encourage the development of a skid row or blighted area in that with the imposed conditions and proposed building design, the project should improve the area.
 4. The proposed use, as conditioned, will not be contrary to or adversely effect any program of redevelopment or neighborhood conservation because the project site is not located within a designated redevelopment area and with the imposed conditions, the project should help lead to the revitalization of the area.
 5. The project is consistent with the City's General Plan in that the site is designated for commercial uses and the proposed convenience market and gas station conforms with the plan designation.

Findings of Fact - Variance

1. ~~Staff cannot~~ *The Commission finds, ~~nor has~~ the applicant has presented any evidence that unusual circumstances exist or hardship to warrant justification for approval of the variance. A 15' setback would prohibit the project from proceeding. Further, a waiver of the required 6' block wall is also not needed in the circumstance. (Staff Deleted/Amended)*
2. The proposed variances, if approved, would *not* be injurious to the public welfare and to the property in the vicinity in that *conditions have been imposed to mitigate the reduced setback and waiver of the wall adjacent to the building. the adjacent single family home would be severely impacted by locating the market on the property line. (Staff Deleted/Amended)*

Conditions - Variance

1. *The east wall of the market shall be redesigned using a decorative masonry material such as a split face block or other material accepted by the Planning Director.*
2. *The 5 foot setback on the east side of the building shall be improved with a planter, landscaped, and irrigated using an automatic system.*
3. *The required 6 foot high masonry wall is waived next to the building to the east property line, however, shall be installed on the property line between the building and the south property line. (Staff Added)*



VICINITY - LAND USE - ZONING

EXHIBIT B

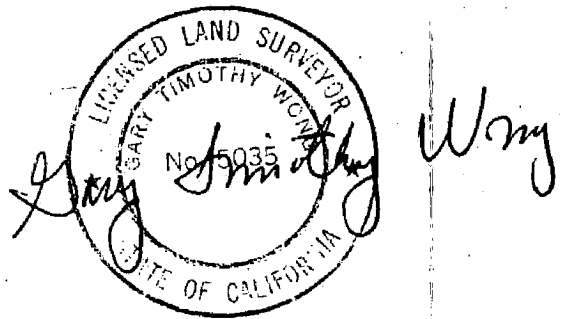
PROPOSED LEGAL DESCRIPTION

3901 STOCKTON BLVD.
SACRAMENTO, CALIFORNIA

ALL THAT REAL PROPERTY SITUATE IN THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOTS 1, 2 AND 3, BLOCK 1, AS SHOWN ON THE OFFICIAL "PLAT OF VINA VISTA", FILED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY, ON JANUARY 5, 1907, IN BOOK 7 OF MAPS, MAP NO. 43.

EXCEPTING THEREFROM THE SOUTH 7.14 FEET OF SAID LOT 2, MEASURED AT RIGHT ANGLES FROM THE SOUTH LINE OF SAID LOT.



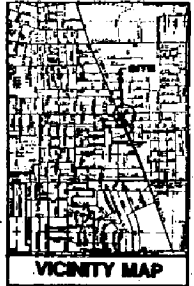
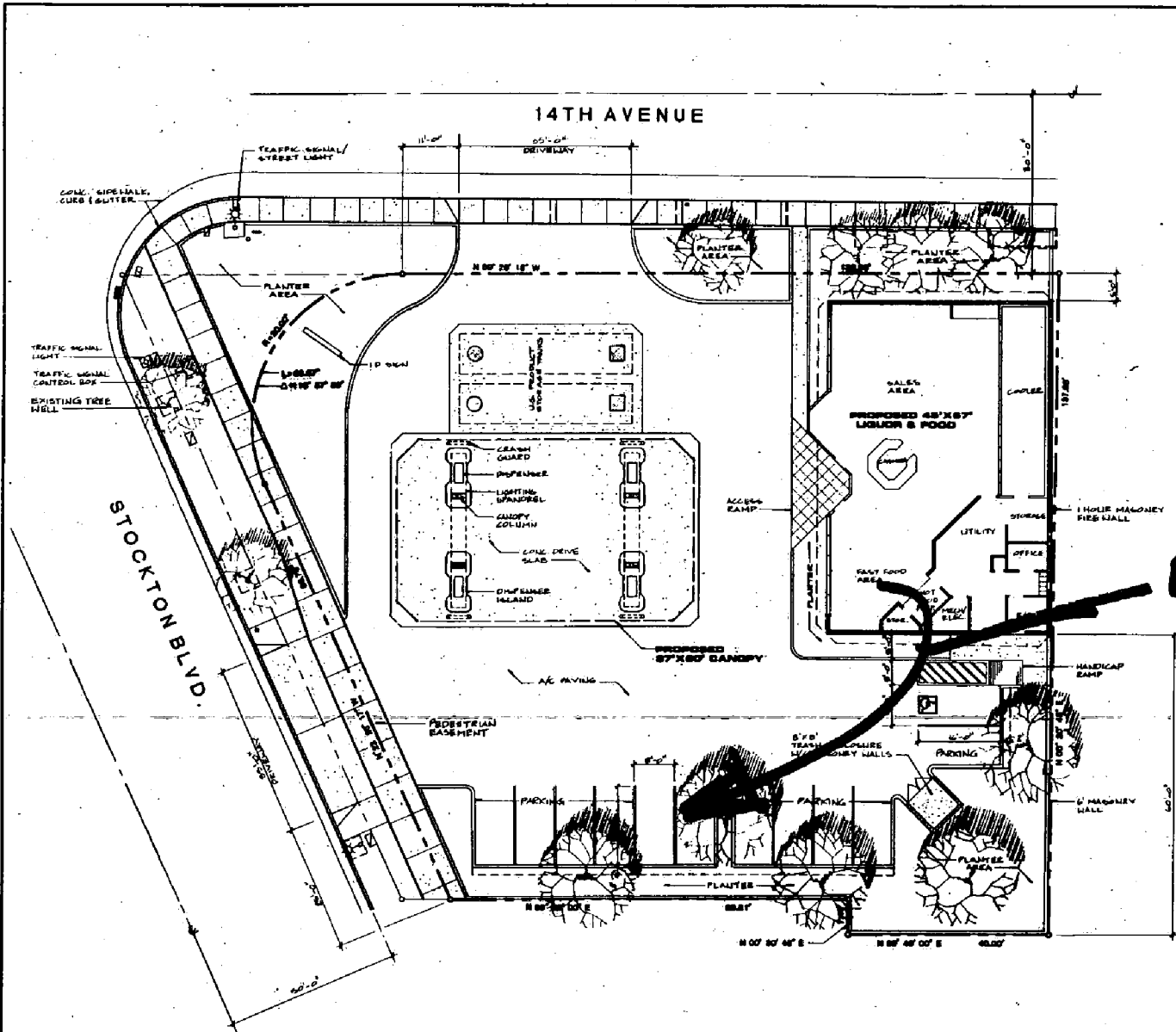
7-13-89
~~6-8-89~~
5/11/89

12

189-102

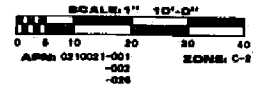
4/18/89 7-13-89

2



SITE DATA	
OCCUPANCY:	B 2
CONSTRUCTION:	TYPE V
FOODMART / BLDG AREA:	3,215 SQ FT
ACCESSORY BLDG AREA:	N/A SQ FT
CARWASH AREA:	N/A SQ FT
SITE AREA (APPROX):	21,280 SQ FT
LANDSCAPE AREA REQUIRED (1-10):	50 FT
ACTUAL LANDSCAPE AREA (10%):	3864 SQ FT
PARKING REQUIRED:	12 SPACES
ACTUAL PARKING:	12 SPACES

RELOCATE BUILDING



DATE	APPRO
1-10-89	RL
PERMIT	
NO	
DATE	BY

SITE PLAN
3801 STOCKTON BLVD. & 14TH AVE.
SACRAMENTO, CALIFORNIA

LIQUOR & FOOD

SCALE: 1" = 10'-0"

DATE OF PLAN: 1-10-89

DATE OF PERMIT: 1-10-89

DATE OF CONSTRUCTION: 1-10-89

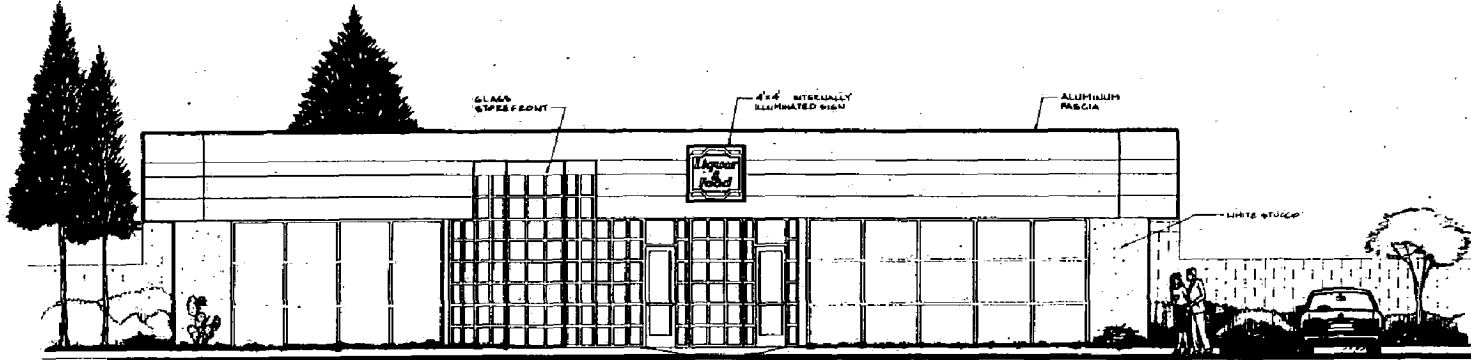
PROJECT NO: 189-102

PROJECT NAME: LIQUOR & FOOD

PROJECT ADDRESS: 3801 STOCKTON BLVD., SACRAMENTO, CA 95811

ROBERT H. LEE & ASSOCIATES, INC.
 ARCHITECTS
 1275 W. 20TH ST., SACRAMENTO, CA 95811 • 916 441-8888

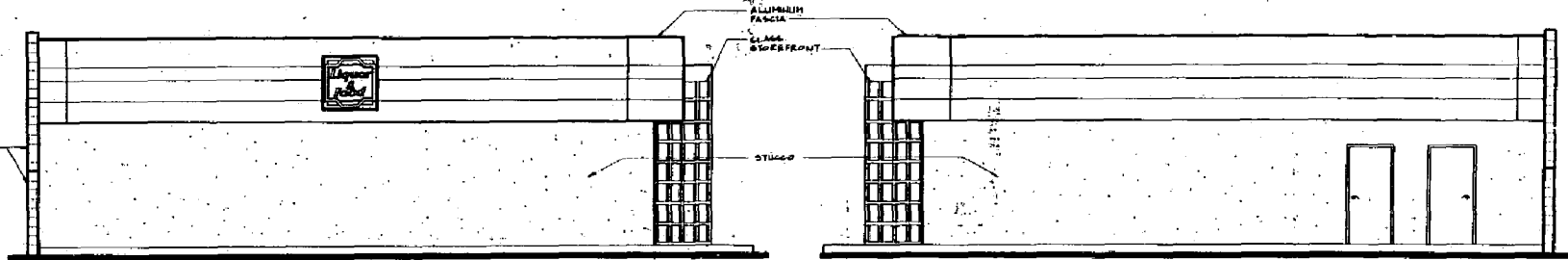
P89-102



WEST ELEVATION

SCALE:

1/4" 1'-0"



NORTH ELEVATION

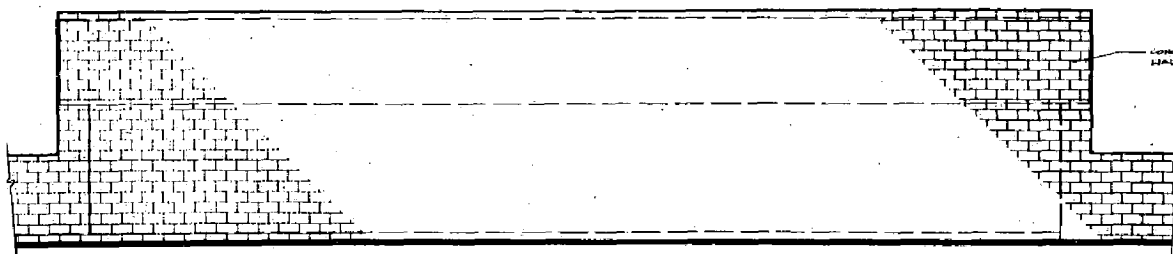
SCALE:

1/4" 1'-0"

SOUTH ELEVATION

SCALE:

1/4" 1'-0"



EAST ELEVATION

SCALE:

1/4" 1'-0"

ELEVATIONS

6-8-89
6/11/89
7-13-89

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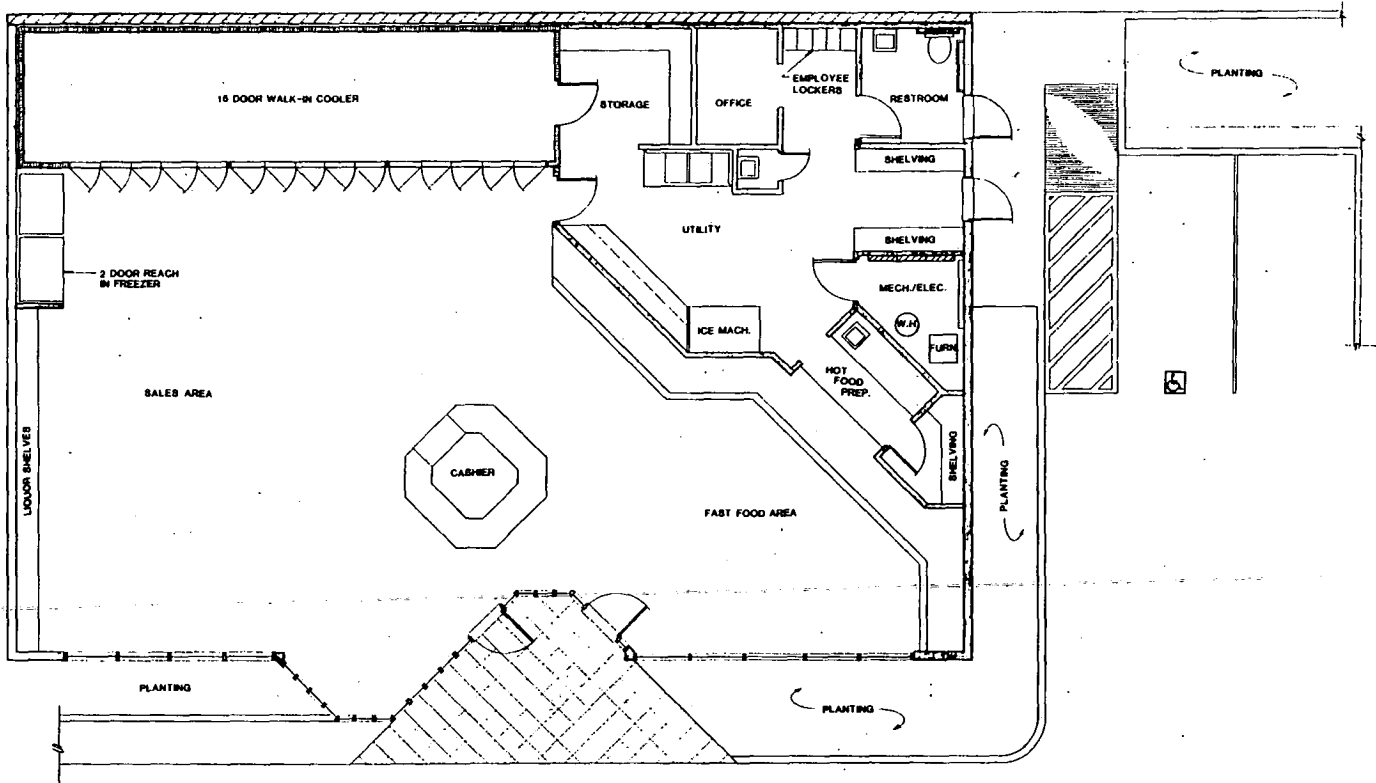
DATE	REVISIONS	BY	DATE APPROV'D
EXTERIOR ELEVATIONS			
3901 STOCKTON BLVD. & 14TH AVE. SACRAMENTO, CALIFORNIA			
LIQUOR & FOOD			SCALE: 1/4" = 1'-0"
ROBERT H. LEE & ASSOCIATES, INC. ARCHITECTS PLANNERS ENGINEERS			DATE: 6/11/89
3901 STOCKTON BLVD. & 14TH AVE., SACRAMENTO, CA 95811			3

Photo Elevation

P89-102

~~5-11-89~~ 7-13-89

12



FLOOR PLAN

DATE	PROJECT	NO.	COUNTY
DESIGN	DATE	REVISIONS	BY

FLOOR PLAN
3901 STOCKTON BLVD
SACRAMENTO, CALIFORNIA

LIQUOR & FOOD

ROBERT H. LEE & ASSOCIATES, INC.
 ARCHITECTURE PLANNING INTERIORS

SCALE
 DRAWN BY AAS
 REV. # 0040
 W.L.C.P.

