

CITY PLANNING COMMISSION
1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814

APPLICANT	Robert H. Lee & Associates, c/o Blythe Wilson, 1137 N. McDowell Bl, Petaluma, CA 9494		
OWNER	Shell Oil Company, P.O. Box 4023, Concord, CA 94524		
PLANS BY	Robert H. Lee & Associates, 1137 N. McDowell Boulevard, Petaluma, CA 94945		
FILING DATE	06/10/92	ENVIR. DET.	Negative Declaration
		REPORT BY:	D. Holm
ASSESSOR'S PCL. NO.	277-0272-003-0000		

- APPLICATION:**
- A. Negative Declaration
 - B. Mitigation Monitoring Plan
 - C. Special Permit Modification to construct a 2,627± square foot service station/convenience market; a 1,300± square foot car wash building and a 3,800± square foot gas island canopy on 1.82± developed acres in the Shopping Center Review Planned Unit Development (SC-R PUD) zone; and
 - D. Special Permit to allow the sale of beer and wine for off-premises consumption within a proposed 2,627± square foot convenience market.
 - E. Variance to exceed the maximum total of attached signs allowed in the Point West PUD from one attached sign to four attached signs.

LOCATION: 1600 Arden Way

PROPOSAL: The applicant is requesting the necessary entitlements to allow the construction of a 2,627± square foot, service station and convenience market that will include the sale of alcoholic beverages for off-premises consumption. In addition, the applicant is requesting additional signage for the proposed service station/convenience market.

PROJECT INFORMATION:

General Plan Designation:	Regional Commercial & Offices
Existing Zoning of Site:	SC-R (PUD)
Existing Land Use of Site:	Service Station

Surrounding Land Use and Zoning:

- North: Shopping Center; C-2
- South: Offices; SC-R (PUD) & OB-R (PUD)
- East: Retail, Bank & Restaurant; SC-R (PUD)
- West: Restaurant, Bank & Offices; SC-R (PUD) & OB-R (PUD)

Property Dimensions:	210' x 208'
Property Area:	1.82± acres

Required Parking:	11 spaces
Proposed Parking:	11 spaces
Height of Proposed Buildings:	Single Story
Exterior Building Materials:	Aggregate & Metal Fascia Panels, Glasstone Wainscot, Glass Windows & Aluminum Frames
Exterior Building Colors:	Light & Dark Grey with a Yellow Wainscot
Roof Material:	Concrete Tile
Topography:	Flat
Street Improvements/Utilities:	Existing

BACKGROUND INFORMATION: The subject site is currently developed with a 24 hour Shell service station with service bays. The existing service station has a small retail area that is utilized for the sale of convenience items including beer and wine for off-premises consumption. As the convenience market has been licensed to sell beer and wine for off-premises consumption since 1983 the City considers the alcohol sales portion of the existing establishment to be a non-conforming use. If the existing establishment is demolished the applicant is required to obtain a special permit which can include conditions that will regulate the quantities and types of alcohol sold. The proposed project has been reviewed by City staff under the preliminary review process and the submitted application complies with the recommendations of the completed preliminary review.

PROJECT EVALUATION: Staff has the following comments:

A. Land Use and Zoning

The subject site consists of one vacant lot totaling 1.82± acres in the Shopping Center Review-Point West Planned Unit Development (SC-R PUD) zone. The subject site is designated for Regional Commercial and Offices in the General Plan. The Point West PUD Schematic Plan designates the site for a service station. Surrounding land uses and zoning includes: the Arden Fair shopping center, zoned General Commercial (C-2), to the north; offices, zoned Shopping Center Review (SC-R PUD) and Office Building Review (OB-R PUD), to the south; a restaurant, bank and retail establishments, zoned Shopping Center Review (SC-R PUD), to the east; and a restaurant, zoned Shopping Center Review (SC-R PUD) and offices and a bank, zoned Office Building Review (OB-R PUD), to the west.

B. Applicant's Proposal

The applicant is requesting a special permit modification to allow the demolition of the existing Shell service station/convenience market in order to reconstruct a new Shell convenience market without service bays. In addition to the convenience market the applicant is also requesting the addition of a drive through car wash to be added to the subject site. The existing market operates 24 hours a day and does sell alcoholic beverages for off-premises consumption. The applicant is requesting a special permit to allow alcoholic beverages to be sold for off-premises consumption when the new convenience market is constructed. (A special permit for the 24 hour operation is not required as the site is located more than 500 feet away from residentially zoned property.) A variance to permit three additional signs is also being requested.

C. Site Plan Design

Existing on the site is a service station with service bays, a small convenience market that currently operates 24 hours a day and sells beer and wine for off-premises consumption. There are two canopies, each covering gasoline islands. The applicant is proposing to demolish and reconstruct all of the buildings on the subject site in order to allow for the construction of a new facility that will be more compatible with the Shell Oil Companies new standards. The proposed structures will be of a modern design instead of the existing rustic style structures that exist on the subject site.

In reviewing the proposed site plan planning staff has considered whether or not the proposed development is in conformance with the Point West Planned Unit Development Guidelines. The addition of a car wash to the service station/convenience market is considered to be a secondary use and would therefore, be considered to be an allowed use within the Shopping Center (SC) zone and within the Point West PUD. Planning staff has no objections to the car wash provided that it is a secondary use to the main use of the property which shall be a service station with a convenience market.

The existing structures are located in the middle of the subject site. As shown on the site plan (Exhibit A), the applicant is proposing to relocate the new service station/convenience market building closer to the rear of the subject site in order to allow for better circulation and visibility around the gas pump islands. There are currently driveways on Arden Way and Heritage Lane that are located approximately only 25 feet from the intersection. During discussions with the Traffic Engineering Division and the applicant it has been recommended that these driveways be relocated further away from the intersection. The applicant has worked with staff and the Traffic Engineering Division on the relocation of these driveways as shown on Exhibit A.

In regards to the site layout the proposed buildings and canopy will meet all of the required setbacks. The subject site is currently developed with 25 foot front and street side yard landscaped areas which meet the PUD guidelines. The applicant has indicated that a portion of the existing landscaping along Arden Way is located within an easement area that is currently maintained by the City of Sacramento. Planning staff has verified with the Public Works, Development Services Division, that this easement area is no longer needed by the City of Sacramento. Therefore, Planning staff recommends that the applicant work with the Public Works Division on filing the necessary paperwork to abandon the excess right-of-way adjacent to Arden Way. The applicant should be aware that if the easement area is not abandoned that the 25 foot landscape area is required to be from the property line, therefore, the existing landscape area will need to be increased in order to meet the minimum landscaping requirement. As indicated on the submitted site plan the car wash building will be located five feet off of the eastern property line. There is currently a landscape strip located along this property line with several trees which staff recommends be maintained.

The proposed service station remodel is consistent with the zoning, plan designation and the Point West PUD designation for the subject site. Planning staff has no objections to the applicant's request to demolish the existing structures and reconstruct a new service station/convenience market and car wash facility on the subject site provided that the project conform to the submitted site plan and elevations.

D. Parking and Circulation

The proposed service station/convenience market is required to provide 11 off-street parking spaces on the subject site in order to meet the one parking space for every 250 square feet of gross floor area. The submitted site plan meets this requirement. As the car wash building will actually be occupied by a vehicle, additional parking is not required for the square footage of the car wash building. Planning staff and the Traffic Engineering Division staff have reviewed the proposed site layout including the driveway area for stacking behind the car wash and have no objections to the proposed circulation plan as submitted.

E. Building Design

The proposed buildings are to be constructed out of aggregate panels with metal fascia panels, glasstone wainscot along the bottom of the buildings and glass storefront with aluminum framing. The existing building is designed with a dark brown vertical siding. As proposed, the buildings will be light grey with dark grey accents and a yellow wainscot. The surrounding buildings consist of a variety of materials varying from brick, stucco, aggregate and wood. The subject site is located directly across from the Arden Fair Shopping Center and the proposed design should be compatible in design and materials with the shopping center. Planning staff has no objections to the proposed building design as shown on the submitted plans.

F. Convenience Market/Beer and Wine Sales

The existing use is a 24 hour service station with a small convenience market that currently holds a state liquor license to allow the sale of beer and wine for off-premises consumption. As the subject site is located more than 500 feet away from any residentially zoned property a special permit is not required for the 24 hour operation of a convenience market. The Police Department has reviewed this request and has stated concerns over problems in the surrounding area. The subject site is located in an area where there has been gang violence and there is a bar located on the adjacent parcel which does create a loitering problem for the Police Department. In addition the California State Fair Grounds is located within close proximity to the subject site, during large events at the fairgrounds the adjacent parking lots have been used for an area to congregate. The Police Department has evaluated the applicant's request and has determined that with conditions restricting the hours of alcoholic beverage sales and the quantities to be sold along with several security measures that the requested special permit should not create a nuisance to the surrounding neighborhood. In considering the fact that the existing establishment is currently licensed to sell beer and wine without any conditions, Planning staff feels that the conditions that have been recommended by the Police Department should prevent the proposed convenience market from becoming a public nuisance. Therefore, Planning staff has no objections to the requested special permit to allow the sale of beer and wine for off-premises consumption.

G. Signage

The Point West PUD sign guidelines permit one detached monument sign and one attached sign for each developed corner parcel. The proposed Shell station includes four attached signs and one detached monument sign. The subject site currently has a detached monument sign at the corner

of Arden Way and Heritage Lane which exceeds the square footage allowed by the Point West PUD sign guidelines. The applicant should be aware that Planning staff has no objections to refacing the existing detached monument sign. If the applicant intends on removing the existing monument sign in order to construct a new monument sign at the corner, the maximum sign area for the monument sign will be 16 square feet and the maximum height will be four feet as measured from the overall grade of the property. The applicant is requesting a variance to increase the allowed attached signs from one attached sign to four attached signs (See Exhibit A). The total square footage of attached signs being requested is 52± square feet. Based upon the building frontages that are being proposed the allowable square footage for attached signs would be approximately 140± square feet. As there are three separate structures proposed, the applicant is requesting additional identification signage for these buildings. Planning staff has surveyed the surrounding developments and has found that additional signage has been granted for other establishments within the Point West PUD (see Exhibit F). Planning staff has no objections to the proposed attached signage as shown on Exhibit A.

G. Agency Comments

The proposed project was reviewed by Traffic Engineering, Engineering Development Services Building, Police, Fire, Community Services, Air Quality Management District, Waste Removal and the Water and Sewer Divisions. The following comments have been received:

Engineering Development Services

1. Replace curb, gutter and sidewalk where existing driveways are to be removed to the satisfaction of the Public Works Development Services Division;
2. Provide handicap ramps at the corner of Arden Way and Heritage Lane;
3. The applicant shall abandon the excess right-of-way adjacent to Arden Way. A separate entitlement is required and the applicant shall coordinate the "65402" Review through the Public Works Development Services Division;
4. On site paving and drainage shall be approved by the Public Works Development Services Division prior to issuance of a building permit;
5. Obtain driveway permits for new driveway locations and construct to City standards;
6. Notice: Property to be developed in accordance with this permit 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 for review at the City of Sacramento's Public Works Department, Development Services Division, Room 100, 927 10th Street.

Traffic Engineering Division

1. The applicant should consider moving the driveway on Arden Way so it will be aligned with the eastern-most pump aisle.

Police Department

The Sacramento Police Department originally stated its opposition to the request by the Arden Way Shell Station for a special permit to sell beer and wine for off-site consumption. However, as the existing facility currently sells beer and wine for off-premises consumption the Police Department will not oppose the requested special permit. We believe that if a special permit is to be granted the only means possible of reducing the affect on law enforcement is the inclusion of the following conditions:

1. The parking area must be visible for internal monitoring. Where windows are not appropriate for this purpose, close circuit television shall be used;
2. 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 shall be provided at the surface of any walkway alcove, or passageway related to the project during the same hours;
3. Store windows shall be left unobstructed to all viewing of the interior of the business by patrolling police;
4. Signs shall be clearly posted prohibiting consumption of alcoholic beverages in the business or adjacent sidewalks with an open container of alcoholic beverages "P.C. '647 e";
5. Applicant shall provide bicycle security racks at the front of the business;
6. The applicant shall provide two working toilet facilities for use of the public. These restrooms must be self locking and the keys must be available from employees. Extra keys must be available on the premises in case of an emergency. Locks may be of the electronic remote control type. Interior restrooms must be visible to attendants;
7. The following minimum security standards shall be incorporated into the interior design of the building:
 - a. the 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; and

- 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;
- 8. The applicant shall be responsible for the removal of all litter generated by the business in the area adjacent to the building;
- 9. All illegal activities observed on or around the business shall be promptly reported to the Police Department;
- 10. Alcoholic Beverages may not be sold between the hours of 10 p.m. and 6 a.m.;
- 11. Sales of beer and wine shall be in quantities of not less than a six pack;
- 12. Sales of wine shall be in containers of at least 750 ml;
- 13. Wine coolers shall not be sold in quantities of less than factory packs of four; and
- 14. Signs listing conditions 10 through 14 shall be conspicuously posted inside the store.

These conditions are necessary due to the proximity of this establishment to two nightclubs that have histories of parking lot disturbances related to individuals under the influence of alcohol. The use of this particular parking lot by citizens viewing the fireworks displays at Cal Expo during the Fourth of July celebrations and the State Fair increases the potential of law enforcement problems related to alcohol consumption. The Police Department will oppose the issuance of this special permit unless all of the above conditions are accepted.

ENVIRONMENTAL DETERMINATION: The Environmental Services Manager 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 mandatory mitigation measures into the project plans to avoid identified effects or to mitigate such effects to a point where clearly no significant effects will occur. A Mitigation Monitoring Plan has been developed and is attached Exhibit G.

RECOMMENDATION: Staff recommends that the Planning Commission take the following actions:

- A. Ratify the Negative Declaration;
- B. Approve the Mitigation Monitoring Plan by adopting the attached resolution;
- C. Approve the Special Permit Modification to construct a 2,627± square foot service station/convenience market, a 1,300± square foot car wash building and a 3,800± square foot gas island canopy on 1.82± developed acres in the Shopping Center Review Planned Unit Development (SC-R PUD) zone subject to conditions and based upon findings of fact which follow;
- D. Approve the Special Permit to allow the sale of beer and wine for off-premises consumption subject to conditions and based upon findings of fact which follow; and

- E. Approve the Variance to allow three additional attached signs for a service station/convenience market within the Point West PUD subject to conditions and based upon findings of fact which follow.

Special Permit Modification Conditions

1. The applicant shall meet all of the requirements specified in the Point West Planned Unit Development (PUD) guidelines;
2. All signage shall comply with the Point West PUD sign guidelines and shall not exceed a total of one detached monument sign and four attached signs. The applicant should submit a revised sign program to the Planning Director for review and approval prior to issuance of any sign permits;
3. Replace curb, gutter and sidewalk where existing driveways are to be removed and provide handicap ramps at the corner of Arden Way and Heritage Lane, to the satisfaction of the Public Works Development Services Division;
4. The applicant shall abandon the excess right-of-way adjacent to Arden Way. A separate entitlement is required and the applicant shall coordinate the "65402" Review through the Public Works Development Services Division or shall increase the landscape area along Arden Way in order to provide a minimum of a 25 foot landscape setback as measured from the property line;
5. On site paving and drainage shall be approved by the Public Works Development Services Division prior to issuance of a building permit;
6. Obtain driveway permits for new driveway locations and construct to City standards to the satisfaction of the City's Transportation Division;
7. The applicant shall contact the Planning Director for an inspection to determine compliance with the above conditions prior to issuance of an occupancy permit.
8. Notice: Property to be developed in accordance with this permit 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 for review at the City of Sacramento's Public Works Department, Development Services Division, Room 100, 927 10th Street.

Special Permit Conditions - Beer and Wine

1. The parking area must be visible for internal monitoring. Where windows are not appropriate for this purpose, close circuit television shall be used;

2. 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 shall be provided at the surface of any walkway alcove, or passageway related to the project during the same hours;
3. Store windows shall be left unobstructed to all viewing of the interior of the business by patrolling police;
4. Signs shall be clearly posted prohibiting consumption of alcoholic beverages in the business or adjacent sidewalks with an open container of alcoholic beverages "P.C. 647 e";
5. Applicant shall provide bicycle security racks at the front of the business;
6. The applicant shall provide two working toilet facilities for use of the public. These rest rooms must be self locking and the keys must be available from employees. Extra keys must be available on the premises in case of an emergency. Locks may be of the electronic remote control type. Interior rest rooms must be visible to attendants;
7. The following minimum security standards shall be incorporated into the interior design of the building:
 - a. the 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; and
 - 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;
8. The applicant shall be responsible for the removal of all litter generated by the business in the area adjacent to the building;
9. All illegal activities observed on or around the business shall be promptly reported to the Police Department;
10. Alcoholic Beverages may not be sold between the hours of 10 p.m. and 6 a.m.;
11. Sales of beer and wine shall be in quantities of not less than a six pack;
12. Sales of wine shall be in containers of at least 750 ml;
13. Wine coolers shall not be sold in quantities of less than factory packs of four; and

14. Signs listing conditions 10 through 14 shall be conspicuously posted inside the store.

Conditions - Sign Variance

1. The proposed attached signage shall conform to the requested signage as shown on Exhibit A attached;
2. The existing monument sign shall be refaced or if a new monument sign is to be constructed it shall meet the Point West PUD sign guidelines for a detached sign in the SC zone;
3. The applicant shall obtain sign permits prior to placement of the signs; and
4. All new signage shall comply with the sign guidelines of the Point West PUD and the City of Sacramento Sign Ordinance.

Findings of Fact - Special Permit

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 has been provided;
 - b. the convenience store and gasoline service has been a 24 hour operation selling beer and wine for almost 10 years; and
 - c. the proposed car wash will be adjacent to a commercial parking lot which should not create noise impacts.
2. The proposed project, as conditioned, is based upon sound principles of land use in that:
 - a. the proposed service station/convenience market is compatible with adjacent land uses which include offices, retail businesses and restaurants establishments; and
 - b. the proposed service station/convenience market establishment conforms with the requirements of the Point West Planned Unit Development guidelines; and
 - c. adequate landscaping and parking is provided.
3. The proposed project is consistent with the General Plan which designates the site for regional commercial and offices and the Point West Planned Unit Development schematic plan which designates the site for a service station.

Finding of Fact Special Permit - Beer and Wine Sales

1. The proposed project, as conditioned, will not be detrimental to the public health, safety or welfare nor result in the creation of a nuisance in that:

- a. the project provides adequate parking;
 - b. the proposed structure is compatible with the surrounding retail, office and restaurant buildings located in Point West Planned Unit Development;
 - c. adequate landscaping will be provided; and
 - d. conditions regarding security, the hours of alcoholic beverage sales, and the minimum quantities for sales have been included.
2. The proposed use, as conditioned, will not enlarge or encourage the development of a skid row or blighted area in that the establishment is within an existing retail/commercial development and has created no previous impacts.
 3. The proposed use, as conditioned, will not be contrary to or adversely affect any program or neighborhood conservation because the project site is not located in a designated redevelopment area.
 4. The proposed project is consistent with the General Plan in that the plan designates the site for community/neighborhood commercial and offices. A service station/convenience market proposing to sell beer and wine with a special permit conforms with the plan designation.

Findings of Fact - Variance

1. The project, as conditioned, is based upon sound principles of land use in that
 - a. the proposed signs are compatible in design and materials with the surrounding land uses;
 - b. there are several other buildings in the area that have more than the allowed signage and
 - c. the total sign area requested will not exceed the square footage of signage allowed.
2. The project, as conditioned, will not be detrimental to the public safety or welfare, nor result in the creation of a public nuisance in that:
 - a. the proposed signs will not present a potential hazard to motorists or pedestrians; and
 - b. the proposed signs will be integrated with and be harmonious to the building and site which they will occupy.
3. Granting the variance does not constitute a special privilege extended to an individual property owner in that two variances have recently been granted to other property owners (First Interstate and the Olive Garden), for increased signage.

4. Granting the variance does not constitute a use variance in that signage is allowed in the SC-R (PUD) zone.
5. The project is consistent with the General Plan which designates the site Regional Commercial and Offices.