

Matters Not on Agenda  
4-27-2010

# *Ben Ali Community Association*

Date: April 27, 2010

To: City of Sacramento, Mayor and Members of the City Council

From: Ben Ali Community Association, for Ben Ali Property Owners

Subject: Removal of Ben Ali from the City of Sacramento, 2030 General Plan, Re-zoning effort.

Property owners within the boundaries of the Ben Ali area of the City of Sacramento, working through the Ben Ali Community Association (BACA) request the removal of the Ben Ali area from the City of Sacramento 2030 General Plan – Planned Rezoning action.

The Ben Ali property owners, and BACA addressed both the City of Sacramento Planning Commission, and City Council to voice opposition to the inclusion of Ben Ali in citywide rezoning as Ben Ali property owners had insufficient notice of this planned action and no opportunity to decide what was in their best interest.

Ben Ali is a mixed-use area within the City of Sacramento with the major portion of land use as residential properties zoned R2-A (Multi-family Residential), with a minority of residential properties presently zoned as R-1 (Single-family Residential). The perimeter of this community is comprised of properties along the Business I-80 and Auburn Boulevard corridors, the latter is predominantly comprised of M-1 (Light Industrial) businesses zoned M-1, and a small number of C-1 (Limited Commercial) zoned properties located on Marconi Circle and, to a lesser degree, Auburn Boulevard and El Camino Avenue.

Over the course of several months, public meetings were held to obtain input from residents of the City of Sacramento concerning the forthcoming City of Sacramento 2030 General Plan. No specific admonition was given to Ben Ali property owners that their properties would be re-zoned as a result of the adoption of the 2030 General Plan.

In September 2009, notices were mailed to the physical addresses within the boundaries of Ben Ali advising that the City of Sacramento Planning Commission was meeting to approve the re-zoning of properties within the established boundaries. On September 24, 2009, property owners appeared before the City Planning Commission to voice opposition to the re-zoning driven by insufficient notice and insufficient information upon which to form a decision as to the pending action. As a result, the City Planning Commission moved, seconded, and carried (Yee/Bartholomy; 5:0:0) to exclude the rezoning of the Ben Ali neighborhood.

Shortly after meeting with the City Planning Commission, property owners appeared before the City Council and gained approval for a postponement on the final decision to re-zone until proper discussions and information sharing had reached the property owners.

On March 7, 2010, Councilman Steve Cohn and representatives of the City Planning Department met with Ben Ali property owners to provide information concerning the definitions of the existing and proposed zoning changes. At that meeting, Councilman Cohn publicly recognized that it appeared that a majority of owners did not approve of the re-zoning of their property, and stated that *if the community did not want the change he would facilitate removal of the Ben Ali re-zoning from the 2030 General Plan.*

In response to Councilman Cohn's pledge to honor the decision reached by Ben Ali property owners considered three options:

1. Move forward and accept the City proposal to re-zone all Ben Ali properties identified in the 2030 General Plan; **or**
2. Take a vote of the nine-member Ben Ali Community Association Board of Directors and report the result of that vote to Councilman Cohn for action; **or**
3. Survey all affected Ben Ali property owners to learn and report their position as the final recommendation for action by Councilman Cohn.

It was decided that option 3 was most appropriate, and that all affected owners should have the opportunity to independently evaluate and decide the proposed re-zoning outcome. Following the March 7, 2010 meeting, a survey questionnaire was developed and distributed to the entire Ben Ali ownership affected by the re-zoning proposal. Surveys were available via electronic distribution, personal delivery and by United States Postal Service delivery to absentee owners.

The results of the survey are as follows:

**Residential Properties**

- 89.5% OPPOSE re-zoning R2-A to R-1
- 10.5% Agree with proposed re-zoning

**Industrial Properties**

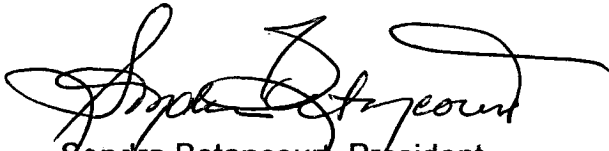
- 100.0% OPPOSE re-zoning from M-1 to C-1

On behalf of Ben Ali property owners, the BACA respectfully requests that Councilman Cohn move forward to remove all re-zoning proposals affecting Ben Ali, both residential and industrial from the 2030 General Plan, and leave in place the present zonings of R2-A and M-1 for all properties within the boundaries of Ben Ali previously identified for re-zoning.

Further, any requests received to the contrary from within the Ben Ali boundaries to change the present zoning should be pursued independently by individual property owners at their own expense through the established City re-zoning process independent of the 2030 General Plan.

Should you have any questions concerning this issue, please call me at (916) 837-3339.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sondra Betancourt', with a large, stylized flourish extending to the right.

Sondra Betancourt, President  
Ben Ali Community Association



### Grounds for Appeal:

1) Project clearly violates drive-through regulation established by the City of Sacramento—  
“The design and location of facility will not create a nuisance for adjacent property owners”

Drive-through **WILL** create a nuisance for property owners who testified at hearing but were ignored. Drive-through will be 10'-15' from homeowners backyards—how would this not be a nuisance? Homeowners would feel trapped in their homes and their quality of life negatively impacted. Following are several nuisances that were addressed at the February 11, 2010 hearing but were not included with minutes for this meeting.

### Noise

A constant noise of customers going through the drive-through, placing their orders, talking in their cars, laughing, crying, yelling, swearing, partying while idling in their cars—walls do not help with noise abatement.

- Automobiles—in and out throughout the day, screeching, honking, radio's blaring, revving of engines, screeching tires, car alarms
- Music so loud causing windows and homes to shake
- Employees' being noisy especially with opening, closing and throwing out garbage
- Maintenance, landscapers, delivery trucks, garbage pick-up early morning and throughout day and night
- Boom Cars and enhanced mufflers
- Motorcycles
- Homeowners dogs barking at drive-through customers; dogs sometimes being tormented by customers.

“People who create or allow noise to intrude on a neighbor are indifferent to the rights of others. It is a form of passive aggressive behavior. **Businesses are responsible for their environmental impact on the community**”

### Pollution/Garbage

- Litter thrown over into homeowners/residents yards and strewn along the streets.
- Exhaust fumes from cars waiting in drive-through lane causing neighbors to feel trapped in their homes, not able to open their windows, unusable backyards to play and relax in.
- Continued increase in rodent problem.
- Increase in utilizing inadequate and overused sewer system causing continued drainage and spillage into neighborhood.
- Increased traffic causing congestion on Freeport Blvd, parking lot and adjacent properties.
- Car clusters-making air toxic, contributing to smog, pollution
- Parking not available for adjacent restaurants and businesses.
- Air quality unbearable for residents.

### Lights

- Parking lot lights flood neighbors homes and streets making it difficult for neighbors to sleep and enjoy their backyards.
- Backyards look like football stadiums.
- Lights on all night.

b) **Master Plan to Move the City of Sacramento Towards Sustainability**

Excerpt from Sustainability Master Plan:

- The City will include fiscal responsibility, social equity, and an environmental sustainability in its decision-making processes.
- The City of Sacramento intends to conduct its business in a way that increases the sustainability of this and future generations.
- The City will use its jurisdiction over the built environment (land use, infrastructure, and building permits) to improve the sustainability of the City.
- The City will adopt a General Plan that contains key sustainability policies and practices, and recognizes direction provided by this Plan.
- The City will be a leader and advocate for sustainability efforts at the regional, state, and federal level.

5) **Project contributes to the City of Sacramento's current oversaturation of drive-through restaurants located in lower income neighborhoods.**

Currently there are 18 restaurants (including 5 fast food chains with drive-throughs) within ½ mile of the proposed Taco Bell site. There is a 24 hr Taco Bell, with drive-through, 5 minutes away from the Freeport site. The over saturation of these type of eating establishment does not enhance the neighborhood or community at large, and should be discouraged in efforts to promote healthy lifestyles and sustainability in our cities.

Other thoughts to consider:

"car-based services "are environmentally unfriendly and they cause a waiting area...which causes traffic problems and promotes car dependency."

"Corporate fast-food drive-thrus do not create any more jobs than do independent, community-centered cafes and restaurants. Rather, they represent an outmoded approach to urban planning that is centered on oil and the primacy of the automobile. A moratorium on new drive-thrus would represent an important first step towards a new vision of denser, less resource intensive cities, and one which is ultimately more in step with our responsibilities as global citizens".

**Most municipalities view noise complaints as a quality of life issue, but for people exposed to noise on a constant basis - it is a form of assault. They feel they are the only one suffering and often feel helpless and trapped in their own homes and apartments.**



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## Drive-Through Service Facility Regulations and Guidelines

### Regulation Highlights

The City of Sacramento Zoning Ordinance establishes the following regulations related to drive-through service facilities:

- Special Permit approval from the City Planning Commission is required for a drive-through service facility in the allowed zones.
- Three findings must be made by the Planning Commission in order to grant a Special Permit for a drive-through service facility:
  1. The design and location of the facility will not contribute to increased congestion on public or private streets or alleys adjacent to the subject property;
  2. The design and location of the facility will not impede access to or exit from the parking lot serving the business, impair normal circulation within the parking lot or impede pedestrian movement; and
  3. The design and location of the facility will not create a nuisance for adjacent properties.

The Zoning Ordinance also establishes the following standards:

- A minimum stacking distance of 180 feet shall be provided to each pick-up window or automated machine.
- A facility with a separate ordering point and pick-up window shall provide stacking space for at least 4 vehicles in advance of each ordering point and stacking space for at least 4 vehicles between each ordering point and pick-up window.
- Entrances to drive-up lanes shall be at least 25 feet from driveways entering a public or private street or alley.
- Drive-up service facilities shall not be considered as justification for reducing the number of required parking spaces.
- The minimum width of each drive-through lane shall be 11 feet. The entrance to the lane and the direction of traffic flow shall be clearly designated by signs and pavement marking or raised curbs.
- A solid six-foot high masonry sound wall shall be constructed on the property boundary when the site is contiguous to residentially zoned or used property(s).
- Operation of the drive-up service facility shall be restricted to between the hours of 7:00a.m. and 10:00 p.m. when the site is contiguous to residentially zoned or used property(s).

### Development Guidelines

**FREE!**  
ADMISSION

City Of Sacramento's Neighborhood Services Department Presents:

# THE NEIGHBORHOODS SUMMIT 2010

*Healthy Neighborhoods = A Sustainable City*

**Friday, May 21, 2010**

**8:30 a.m. – 4:00 p.m.**

7:30 – 8:15 a.m. Check-In & Continental Breakfast

**SACRAMENTO CONVENTION CENTER**

1400 J Street, Grand Ballroom

**SAVE  
THE  
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Here are the workshop topics to be offered at the Neighborhood Summit:

- Maintain, Promote & Revitalize Neighborhoods
- Community Resources & Partnerships
- Sustainability & Green



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