

ATTACHMENT 1

NOTICE OF DECISION AND FINDINGS OF FACT FOR THE "FAST STOP CONVENIENCE STORE," LOCATED AT 5601 WILKINSON ST., (APN #027-0071-001 & 038), SACRAMENTO, CALIFORNIA, IN THE GENERAL COMMERCIAL (C-2) ZONE {P96-044}

At the regular meeting of June 27, 1996, the City Planning Commission heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Planning Commission took the following actions for the location listed above:

- A. Approved the imposition of conditions to the existing Fast Stop Convenience Store operation pursuant to Section 15-F-5 of the Comprehensive Zoning Ordinance No. 2550, Fourth Series as modified.

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

FINDINGS OF FACT

- A. The Planning Commission hereby imposes conditions on the operation of the existing Fast Stop Convenience Market located at 5601 Wilkinson Street (Southeast corner of Fruitridge Road and Wilkinson Street in the General Commercial (C-2) zone, subject to the following findings of fact:
1. The existing business is being conducted in a manner detrimental to the public peace, health and safety in that:
 - a. The business owners and operators have failed to prevent people loitering on and around the site, which has resulted in people drinking alcoholic beverages in the parking lot;
 - b. The business owners and operators have failed to prevent people from loitering on and around the site, which has resulted in persons urinating in the parking lot; and
 - c. The business owners and operators have failed to employ an adequate number of staff and a security guard as needed, to avoid the repeated thefts of alcohol,
 2. The existing business is being conducted in a manner so as to constitute a public nuisance in that:
 - a. The business owners and operators have failed to prevent people from loitering on and around the site, which as resulted in persons putting graffiti on the walls of the building and the existing gas islands;
 - b. The business owners and operators have failed to proactively remove graffiti from the structures located on the property involved; and
 - c. The existing gas pumps have been inoperable for over six months.
 3. The existing business is being operated and maintained in manner that has resulted in repeated nuisance activities including but not limited to:

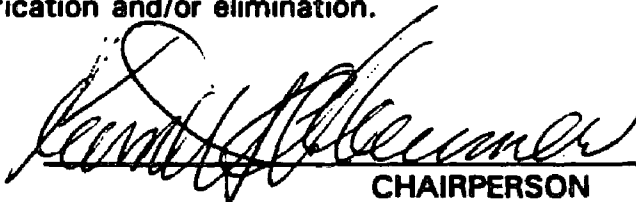
- a. persons drinking alcoholic beverages in the parking lot of the business;
- b. persons urinating in the parking lot;
- c. harassment of persons trying to enter the store or walking near the store by persons loitering on the site; and
- d. repeated calls for police response on petty thefts, and upon arrival of the officers a refusal to prosecute by the store owners.

CONDITIONS IMPOSED ON THE FAST STOP AT 5601 WILKINSON STREET

- A. The operation of the Fast Stop Convenience Store located at 5601 Wilkinson Street is conditioned pursuant to the Thursday, June 27, 1996, Sacramento City Planning Commission hearing:
1. The six foot high solid wood fence and gate shall be continuously maintained on the north side of the store to restrict access to the rear of the existing structure;
 2. Additional, brighter lighting shall be located and continuously maintained on the exterior of the store, for even illumination across the site (property line to property line). Lighting levels shall be as follows: 1.5 foot-candles minimum maintained illumination per square foot of parking space between the hours of dusk and one hour after sunrise. A minimum of .50 foot-candles of illumination shall be provided at the surface of any walkway and sidewalk within 20 feet of the property line of the business;
 3. Signs indicating "No Trespassing," "No Loitering," and "No Open Containers," shall be clearly posted on the property on both sides of the building that are accessible to the public (north and west sides);
 4. A signed letter of agreement shall be submitted by the owner of the business, to the Chief of Police allowing the Sacramento Police Department to enforce the No Trespassing, No Loitering, and No Open Container issues on the property. This agreement shall be signed and submitted to the Licensing Coordinator {Lynne Ohlson #264-5787} within 20 days of the Planning Commission action, which is Wednesday, July 17, 1996;
 5. The owner shall hire a uniformed, state-licensed security guard within ten days of the Planning Commission decision on the imposition of conditions for this business. The uniformed security guard shall perform security functions at the property and on the sidewalk surrounding the property. The security guard shall be continuously present on the property from 6:00 p.m. until all employees have left the premises, on all days that the business is open. The owner shall have the security officer present from July 6, 1996, to January 1, 1997. Thereafter, if it is determined by the Planning Director that additional security measures are required, the Planning and Development Department may request this condition be extended for additional time, by submitting a written notice to the business owner with information supporting the request (i.e. police reports, neighborhood letters, etc) or the Planning Director may refer the matter to the City Planning Commission for the imposition of additional conditions as may be necessary to eliminate problems occurring at this location (i.e. reduction in the hours of operation, additional security measures, etc).

- The owner shall require the uniformed security guard to perform specific duties, including but not limited to: foot patrol inside the store, the parking lot and on the sidewalks surrounding the business; advising all persons loitering and/or drinking alcoholic beverages on the premise to leave; cooperating with the Sacramento Police Department to assist in identifying any persons involved in problem or criminal activity on or around the property; contacting the Police Department to report all suspicious or illegal activities occurring on or around the property; maintain daily logs of on-site security activities (including time in/out and brief explanations of all contacts made on security problems); and provide a copy of the daily logs to the Sacramento City Police Department Licensing Coordinator (Lynne Ohlson #264-5787), not less than once every two weeks;
6. A minimum of two employees will work inside of the store from 4:00 p.m. until closing, on all days that the business is open. The uniformed security guard may not be considered as one of the two employees.
 7. A speaker system shall be placed on the exterior of the building for the purpose of piping classical music onto the property to reduce loitering. Classical musical shall be piped through the exterior speaker system during all hours of operation, and should be at a volume that will not disturb the residents adjacent to the business and is clearly audible throughout the parking lot;
 8. The owner shall, prior to July 15, 1996, and monthly thereafter meet with representatives of the Avondale Action Committee (c/o Elmo Slider, 5740 Wilkinson Street, Sacramento, CA 95824) and other Neighborhood Associations that have expressed an interest to the City (Colonial Village Association, c/o Rachel Watkins, 7421 - 25th Avenue, Sacramento, CA 95820), to improve communication between the owners and the neighbors. The City will notice the applicant in writing if any other associations express an interest to meet with the business owners. Notice of all meeting dates, times and locations shall be prepared by the business owner and mailed to the residents within 500 feet of the business and to the City of Sacramento Planning Department (c/o Planning Director, 1231 I Street, Room 300, Sacramento, CA 95814), a minimum of two weeks prior to each meeting that the owners will be attending;
 9. All illegal activities observed on or around the business shall be promptly reported to the Sacramento City Police Department. The owners and employees shall assist the security guard and the Sacramento City Police Department in prosecuting persons involved in criminal activities, including filing citizens arrests against persons involved in criminal activities;
 10. The owner shall remove or paint over any graffiti appearing on the property within 24 hours of it appearing;
 11. The owner shall remove all litter, trash and debris daily from the property and within 100 feet of the property at least one time each morning and evening;
 12. No alcoholic beverages shall be consumed in the business or on the property;
 13. There shall be no cups, glasses, or similar receptacles commonly used for the consumption of alcoholic beverages sold, furnished or given away at the premise in quantities of less than 24 and in their original multi-container sealed packaging;

14. Sales of beer and malt beverages shall be sold in quantities of not less than a six pack;
15. Sales of wine shall be in containers of at least 750 ml.;
16. Sales of wine coolers shall be sold in quantities of not less than factory packs of four;
17. Sales of distilled spirits shall be in containers of at least 200 ml;
18. The parking lot shall be secured to prevent vehicular access at the close of business every day. The business owner shall submit a site plan with details of the proposed closure (i.e post and cable) within 20 days of the Planning Commission action, which is Wednesday, July 17, 1996, to the Planning Director for review and approval by the Planning and Development Department, Public Works Department and Police Department;
19. The existing concrete that has been poured into the required landscape planters shall be removed and live vegetation (i.e. grass, shrubs, and plants), shall be installed. The landscaping shall be maintained and plants replaced when damaged or dead (as required under Section 6-D-5, of the Sacramento City Zoning Ordinance); and
20. The business owner shall comply with the above conditions within 30 days of service of the Planning Commission decision on the imposition of conditions for this business (unless a different time for compliance has been given). The business owner shall also post the attached list of conditions (Exhibit 1b), in a visible location within the store (i.e. by the cash register).
21. At the end of two years, upon submittal of an application for a Planning Commission Modification including the applicable filing fees (as required under Section 15-F-1, of the Sacramento City Zoning Ordinance), the business owner may request that the above conditions be considered for modification and/or elimination.


CHAIRPERSON

ATTEST:


SECRETARY TO CITY PLANNING COMMISSION

7-1-96
DATE

- Exhibit 1a Site Plan and Aerial Photo
- Exhibit 1b Business Conditions to be Posted
- Exhibit 1c 1993 Letter and Agreement from the Planning Department
- Exhibit 1d 1995 Letter and Agreement from the Planning Department
- Exhibit 1e 1996 Letter from the City Attorney's Office
- Exhibit 1f Letter from the Police Department
- Exhibit 1g Memo's from the area's Neighborhood Police Officer (NPO)
- Exhibit 1h Letters from the Neighborhood Association, Area Residents and Property Owners