

# CITY PLANNING COMMISSION

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

**APPLICANT** JTS Engineers, 811 "J" Street, Sacramento, CA 95814  
**OWNER** Stafac, Inc., P.O. Box 4848 Anaheim, CA 92803  
**PLANS BY** JTS Engineers, 811 "J" Street, Sacramento, CA 95814  
**FILING DATE** 9/4/87      **ENVIR. DET.** Neg. Dec. 9/28/87      **REPORT BY** DJH:vf  
**ASSESSOR'S-PCL. NO.** 035-084-027

- APPLICATION:**
- A. Negative Declaration
  - B. Special Permit to establish a 24 hour convenience market of 3,000 sq. ft. and a 960 sq. ft. canopy over a two pump gasoline dispensing facility on 0.43 acres in the C-2 (EA-4) zone.
  - C. Special Permit to establish beer and wine sales for off-site consumption.

**LOCATION:** 6240 Freeport Boulevard

**PROPOSAL:** The applicant is requesting the necessary entitlements to construct a 24 hour Circle K with gasoline dispensing facilities and the sale of beer and wine for off-site consumption.

**PROJECT INFORMATION:**

1974 General Plan Designation:	Commercial
1984 Airport-Meadowview Community Plan Designation:	Commercial
Existing Zoning of Site:	C-2 (EA-4)
Existing Land Use of Site:	Gas Station (vacant)

Surrounding Land Use and Zoning:	Setbacks:	Required	Provided
North: Parking Lot; C-2 (EA-4)	Front: (Blair Avenue)	25'	to canopy
South: R.V. Stg. & Parking; M-1 (R) (EA-4)	Side(Int):	-0-	5'
East : Executive Airport Entryway; (R-1) (EA-4)	Side(St):(Freeport Blvd.)	20'	to canopy
West : Parking & Blomberg Window; M-1 (EA-4)	Rear:	-0-	3'

Parking Required:	12 spaces
Parking Provided:	12 spaces
Property Dimensions:	Irregular
Property Area:	0.43± acres
Square Footage of Building:	3,024 sq. ft. for market 960 sq. ft. for canopy
Height of Building:	1 Story, 14 ft. to top of parapet
Topography:	Flat
Street Improvements & Utilities:	Existing
Exterior Building Materials:	Stucco, metal aluminum mullions, tempered glass

**APPLC. NO.** P87-392      **MEETING DATE** 12-3-87      **ITEM NO.** 8  
~~11-12-87~~

Roof Material:	Tar
Hours of Operation:	24 hours a day, 7 days a week
Number of Employees:	6 Employees
Number of Employees Per Shift:	2 Employees per shift

PROJECT EVALUATION: Staff has the following comments:

A. Land Use and Zoning

The subject site is a 0.43 acre lot developed with a gas station which is zoned General Commercial (C-2) Executive Airport Overlay 4 (EA-4) zone. The 1984 Airport-Meadowview Community Plan designates the site for Commercial uses. Surrounding land uses include Blomberg Window Systems parking lots to the north and west, Executive Airport due east across Freeport Boulevard and recreational vehicle storage to the south across Blair Avenue. A 24 hour convenience market is required to have a Planning Commission special permit when located within 500 ft. of residentially zoned or used property. A special permit is also required if beer and wine is to be sold for off-premises consumption under Ordinance 87-077 adopted by the City Council on June 23, 1987.

B. Project Description

The applicant proposes to construct a 3,100 sq. ft. Circle K convenience market with gasoline dispensing facilities. The gasoline facilities will include a single island, two pump facility with a 960 sq. ft. canopy. The existing abandoned gas station and canopy will be removed. The former underground gasoline storage tanks will be removed. The site will be completely excavated and reconstructed for the project.

The applicant also proposes to sell beer and wine for off-site consumption. Under Ordinance 87-077, a special permit is required from the Planning Commission. Since the facility will be open between the hours of 11:00 P.M. to 6:00 A.M. and is located within 500 ft. of residentially zoned and used property, a special permit for the convenience market is required.

C. Site Plan Evaluation

Staff has reviewed the applicant's site plan, building elevations and landscape plan. The following items will require modification with review and approval by the Planning Director prior to building permit issuance.

1. Detailed plans, elevations and color scheme for the canopy shall be submitted for review and approval by the Planning Director. No facia lighting shall be allowed on the canopy. Setbacks shall observe the minimum setbacks established by the existing canopy. Replacement of the existing non-conforming canopy is supported by staff.

2. Landscaping is shown along Freeport and Blair Avenue a depth of 10 ft. A seven foot wide planter is shown along the west property line and a five foot wide planter is shown along the north property line. The applicant is required to meet the minimum 50 percent tree shading requirement for all required parking and maneuvering areas. Right-of-way landscaping is to include street trees of 5 and 15 gallon size at a density of one tree per 20 lineal feet of street frontage. All areas are to be planted with shrubs adjacent to the street frontages and irrigated with automatic sprinklers.

Staff recommends a six foot high decorative wrought iron fence for security along the west property line and north property line where the existing six foot high solid metal fence does not exist. This fence would allow visibility yet prevent unauthorized trespass across the site.

3. No portable concrete wheel stops are to be used on the site. Use of a poured-in-place concrete curb, six inches in height shall be included in all areas surrounding planters and vehicle parking stalls.
4. A sign program shall be reviewed and approved by the Planning Director prior to issuance of sign permits. Staff recommends that a single monument sign no higher than 12 feet as measured from the top of the sidewalk be allowed at the corner of Freeport Boulevard and Blair Avenue. Sign area should be similar as shown in the attached plans, where the sign is placed on a masonry base. All signage on the canopy shall be minimal or absent.
5. The revised site plan shall show the trash enclosure relocated behind the canopy setback off Freeport Boulevard. The trash enclosures shall be designed as per the City Trash Enclosure Regulations, (Exhibit A).
6. The old parking lot lights shall be removed and replaced with lamps more modern in style. All lighting is to be focused on-site and not reflected off-site onto residentially zoned or used property. Lamp poles are to be located on private property.
7. The proposed building runs under and adjacent to existing overhead utility lines. The revised site plan shall show the building observing any easements running along or through the site. Any relocation of utilities shall be completed according to the rules and regulations of the respective utility.
8. The City Traffic Engineer noted that only two 35 ft. driveways shall be allowed one on the site, on Freeport Boulevard and one on Blair Avenue.
9. No air and water supply is shown on the site. If one is proposed, it shall be located away from residential land uses. Any air compressor shall be baffled so not to be audible off-site.

10. Any heating and cooling equipment or mechanical equipment shall be screened so to not be visible off-site. No noise from the mechanical equipment shall be perceptible at the nearest residence.
11. No external bell or speaker system is shown on the plan. If a bell system is proposed, it shall only be audible inside the store. If a public address system is constructed, it shall only be used in emergencies and when customers need assistance at the pumps. No constant air-play will be allowed. The volume of the speakers shall be adjusted to not be audible off-site.
12. Usual Circle K designs propose two ice-storage boxes shown along the sidewalk adjacent to the building. No storage boxes or other obstructions shall be allowed on the sidewalk adjacent to the building.
13. The interior of the building proposes a fast food preparation area. Refuse disposal containers should be located inside the store to prevent discarding of refuse outside. No exterior trash cans should be allowed.
14. Interior uses of the building which encourage loitering shall not be allowed. Installation of video game machines, pin-ball machines or other arcade type equipment shall not be allowed due to loitering problems associated with teenage youth.

D. Special Permit - Alcohol Sales

Under the new City Ordinance regulating alcohol sales for off-site consumption, the Planning Commission is required to make specific findings stating the proposed sale will not negatively affect the neighborhood. With the requirements of the City Police Department to post the site, "No Loitering or Drinking, Customer Parking Only" and security measures of a video camera to monitor "blind areas" from the cashier's cage area, staff supports the sale of alcohol between the hours of 6:00 A.M. and 12:00 P.M. By limiting the hours of alcohol sales, staff observes fewer problems may occur in the area. The 12:00 P.M. limitation will reduce nuisance generated from loitering and noise.

Staff has received letters from the Police Department and Blomberg Window Systems as attached in Exhibit B - Correspondence. Mr. Blomberg is opposed to the sale of alcohol at the location. With installation of wrought iron fencing along the west and north property lines to prevent trespass and use of cameras for video surveillance, the prohibition of loitering and strict enforcement required by the City Police Department, problems associated with the sale of alcohol should be minimal. Mr. Blomberg states 17 other stores sell beer and wine within one and one-half miles of the site, three staying open 24 hours a day. By restricting the hours of alcohol sale to 6:00 A.M. to 12:00 Midnight, staff observes more control over the activities of patrons. If problems occur, complaints by neighbors would bring the issue back to the City for review and evaluation.

AGENCY COMMENTS: The proposed project was reviewed by the City Police, Engineering, Traffic Engineering, and Fire Marshall's Office with comments received as previously stated. Staff has also received correspondence in opposition to the proposed project and is included as Exhibit B.

The City Police Department responded in detail to the proposed project with the following recommendations:

- A. No signs shall be located in windows which might obstruct the view of the cash register from outside the store.
- B. No display racks shall be inside the store which will block the view of the cash register.
- C. Pay phones should be situated so that they are located inside the store.
- D. Height markers shall be at the 5'7", 5'10" and 6' locations on the primary exit door.
- E. There shall be photographic surveillance of the cash register area with equipment and installation to be approved by the Police Department.
- F. There shall be a time delay drop safe similar to those now in use in other Circle K's.
- G. Parking area is to be clearly posted "Customer Parking Only, No Loitering or Drinking".
- H. Parking area to be kept free of litter and shrubs to be kept watered and trimmed.

ENVIRONMENTAL DETERMINATION: The Environmental Coordinator has determined that the project will not have an adverse impact on the environment subject to the following mitigation measure and has filed a negative declaration.

Mitigation Measure: The applicant shall provide letters approving the proposed project from the City Fire Chief, County Environmental Health Section (Phone 366-2109) and State Health Services (Phone 324-1826) for installation and removal standards for underground storage tanks prior to issuance of any building permits.

RECOMMENDATION: Staff recommends the following actions:

- A. Ratify the negative declaration.

- B. Approve the special permit for a convenience market, subject to conditions and based upon findings of fact which follow.
- C. Approve the special permit to sell alcohol for off-site consumption, subject to conditions and based upon findings of fact which follow.

Conditions - Special Permit for Convenience Market

1. The applicant shall obtain an revocable permit from the City to locate a portion of the required landscaping in the public right-of-way.
2. The applicant shall submit complete landscape and irrigation plans prior to the issuance of building permits. The plans shall indicate the following:
  - a. all planter areas shall be landscaped with low growing ground cover. Shrubbery shall be installed adjacent to the public right-of-way;
  - b. trees shall be planted along both street frontages in addition to the shrubs;
  - c. trees shall be planted at a density of one tree per 20 ft. of frontage;
  - d. Minimum 5 and 15 gallon trees shall be used.
3. The applicant shall provide a trash enclosure area which complies with the following standards:
  - a. the walls of the trash enclosure structure shall be constructed of solid masonry material with decorative exterior surface finish compatible to the main structure (s); split face concrete block finish is recommended;
  - b. the trash enclosure structure shall have decorative solid heavy gauge metal gates and be designed with cane bolts to secure the gates when in the open position;
  - c. the trash enclosures shall be designed to allow walk-in access by tenants without having to open the main enclosure gates;
  - d. a concrete apron shall be constructed either in front of the trash enclosure facility or at the point of dumpster pick-up by the waste removal truck. The minimum dimension of the concrete apron for a single two cubic yard shall be:
    - o Width - 10 ft. or width of enclosure facility
    - o Length - 20 ft.

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- o Larger trash enclosure facilities shall require a larger concrete apron subject to the approval of the City Building Inspections Division Building Technicians (Plan Checkers). Paving material shall consist of five inch aggregate base rock and six inch Portland cement paving. The enclosures shall be adequate in capacity, number and distribution to serve the development. Location and placement of bin shall be reviewed and approved by Solid Waste Division. Maintenance of the trash enclosure shall be the responsibility of the property owner.
  - f. the perimeter of the trash enclosure structure shall be planted with landscaping, including a combination of shrubs and/or climbing evergreen vines;
  - g. no trash enclosure shall be located in any required setback area.
4. New structures shall observe the utility easements.
  5. The planter strip along Freeport Boulevard frontage shall be 10 feet wide and Blair Avenue frontage shall be 10 feet wide and surrounded by a six inch by six inch concrete curb after dedication of right-of-way, if any.
  6. A six foot high decorative wrought iron fence shall be constructed along the parking lot edge along the western and northern property line. A gate shall be placed between the fences and building to prevent loitering.
  7. The applicant shall obtain sign permits for on-site signage. One detached monument sign, no higher than 12 feet as measured from the top of the sidewalk shall be allowed as shown in monument sign exhibit. The sign shall observe minimum visibility requirements.
  8. Security cameras shall be provided to monitor blind areas.
  9. The applicant shall post signs on the site which read "No drinking, No Loitering".
  10. All new driveways and all driveway closures shall be reviewed and approved by the Traffic Engineer prior to issuance of building permits.
  11. The applicant shall comply with the following requirements to the satisfaction of the Planning Director and City Police Department.
    - a. no signs shall be located in windows which might obstruct the view of the cash register from outside the store;
    - b. no display racks shall be inside the store which will block the view of the cash register area;

- c. pay phones should be situated inside the store and not outside.
  - d. height markers shall be at the 5' 7", 5' 10" and 6' locations on the primary exit door;
  - e. there shall be photographic surveillance of the cash register area with equipment and installation to be approved by the Police Department;
  - f. there shall be a time delay drop safe similar to those now in use in other Circle K's;
  - g. parking area is to be clearly posted "Customer Parking Only, No Loitering or Drinking";
  - h. Parking area to be kept free of litter and shrubs to be kept watered and trimmed.
12. All lighting shall be focused on-site and not reflect or glare off-site onto residentially zoned or used property. The existing parking lot lights shall be removed and, if desirable, replaced with boxed canister lighting fixtures painted a dark brown or earth tone no higher than 18 feet above the ground. A detailed lighting plan shall be reviewed and approved by the Planning Director prior to issuance of building permits.
13. If an air and water supply facility is to be provided, it shall be located away from the residential uses. Any air compressor shall be baffled so not to be audible off-site.
14. All heating and cooling mechanical equipment shall be screened so to not be visible off-site. No noise from the operation of heating and cooling equipment shall be perceptible at the nearest residence.
15. No external bell system shall be allowed. Any customer alarm shall be audible only inside the store.
16. No public address system shall be installed which is audible off-site. If a public address system is installed, it shall only be used in emergencies or when customers need assistance at the pumps. No music or constant air-play will be allowed.
17. No outdoor ice storage boxes shall be allowed. No boxes, newspaper stands, or other obstructions are to be located on the sidewalk adjacent to the building.



18. No video games, pinball machines or other arcade type equipment shall be allowed in the store or on the premises which generate loitering problems.
19. The design of the spanner board shall be reviewed and approved by the Design Review Board staff. The spanner board is not to be illuminated.

Conditions - Special Permit for Alcohol Sales - Approval

1. Hours of alcohol sales shall be from 6:00 A.M. to 11:59 P.M. No alcohol shall be sold from 12:00 A.M. to 6:00 A.M.
2. All measures required for security shall be installed to the satisfaction of the City Police Department.

Findings of Fact - Special Permit for Convenience Market - Approval

1. The project, as conditioned, is based upon sound principles of land use in that:
  - a. adequate parking and circulation is provided; and
  - b. the use is compatible with surrounding uses which consist of general commercial uses and residential uses.

2. The project, as conditioned, will not be detrimental to property in the vicinity in that:

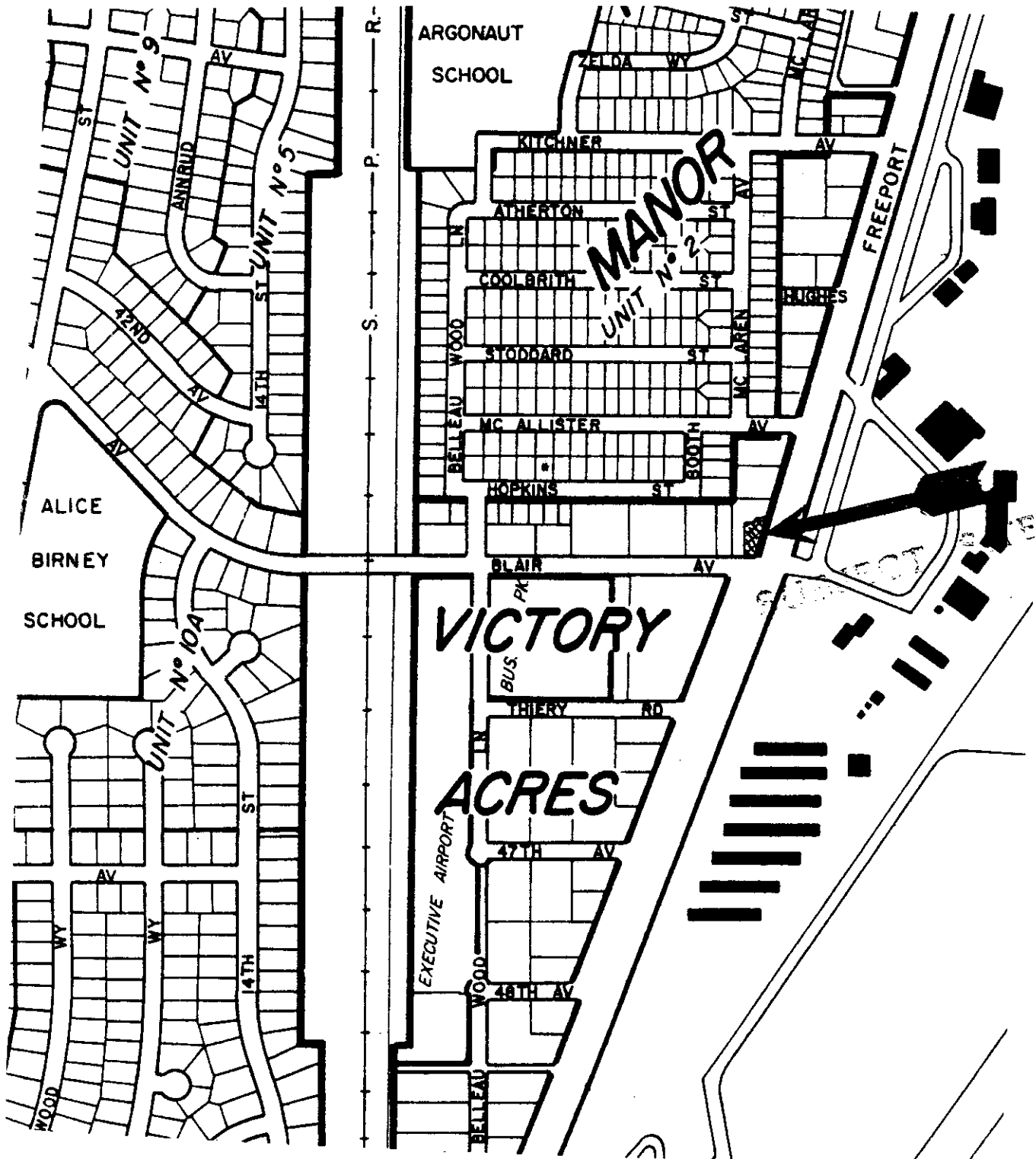
The market is situated in such a manner that business activity will be directed towards Blair Avenue and Freeport Boulevard.

3. The project, as conditioned, will not be detrimental to the public health, safety or welfare nor result in the creation of a nuisance in that adequate setbacks, on-site parking, vehicle maneuvering, intensive landscaping, security measures and well designated signage will be provided.
4. The proposed project is consistent with the City's Interim Discretionary Land Use Policy in that the site is designated for general commercial uses by the 1984 Airport Meadowview Community Plan and the proposed convenience store conforms with the plan designation.

Findings of Fact - Special Permit for Alcohol Sales - Approval

1. The proposed use, as conditioned, will not adversely affect the peace and general welfare of the surrounding neighborhood in that security measures will protect customers and adjacent property owners.

2. The proposed use, as conditioned, will not result in undue concentration of establishments dispensing alcoholic beverages in that the nearest alcohol sales facility is located one-quarter mile to the north.
3. The proposed use, as conditioned, will not enlarge or encourage the development of a skid row or blighted area in that industrial uses or airport uses surround the site.
4. The proposed use, as conditioned, will not be contrary to or adversely affect any program of redevelopment or neighborhood conversation in that alcohol sales is a service provided in conjunction with food and gasoline sales for area residents west on Blair Avenue.

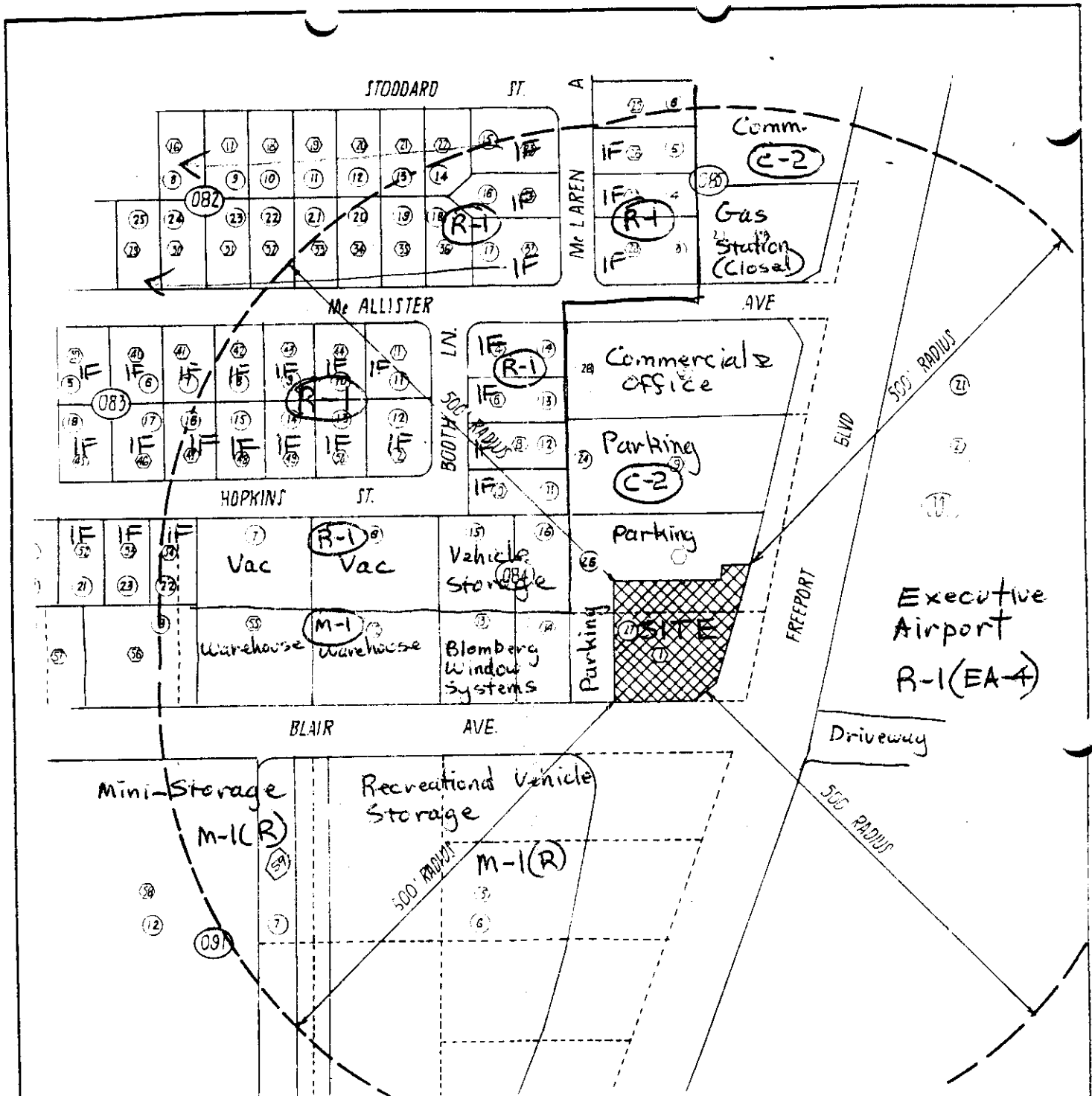


**VICINITY MAP**

P-87-392

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Entire Area within Executive Airport Overlay & Zone

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Scale: Reduced

# LAND USE & ZONING MAP

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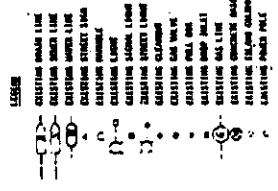
# SITE PLAN

**BLAIR AVENUE**  
 THE CITY OF FREEPORT, MISSISSIPPI, HAS REVIEWED THE SITE PLAN AND FOUND IT TO BE IN ACCORDANCE WITH THE CITY ORDINANCES AND THE ZONING REGULATIONS OF THE CITY OF FREEPORT, MISSISSIPPI. THE CITY ENGINEER HAS REVIEWED THE SITE PLAN AND FOUND IT TO BE IN ACCORDANCE WITH THE CITY ORDINANCES AND THE ZONING REGULATIONS OF THE CITY OF FREEPORT, MISSISSIPPI. THE CITY ENGINEER HAS REVIEWED THE SITE PLAN AND FOUND IT TO BE IN ACCORDANCE WITH THE CITY ORDINANCES AND THE ZONING REGULATIONS OF THE CITY OF FREEPORT, MISSISSIPPI.

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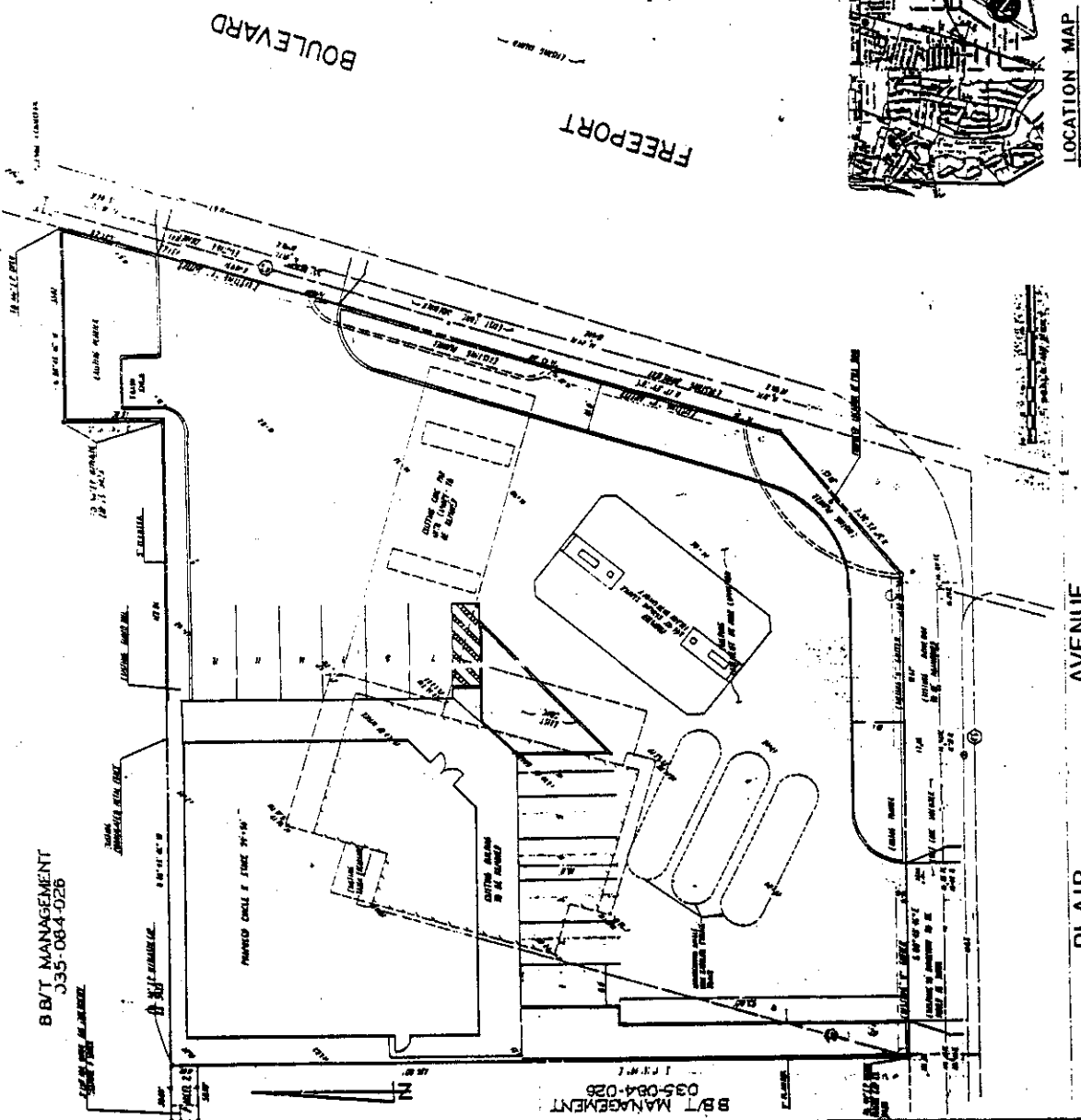


UTILITY REPRESENTATIVE	
WATER	WATER
ELECTRICITY	W.P. & E.
TELEPHONE	AT&T
SEWER	PUBLIC WORKS
STORM SEWER	CITY OF FREEPORT
NATURAL GAS	CITY OF FREEPORT
STEAM	CITY OF FREEPORT
HEATING OIL	CITY OF FREEPORT
COAL	CITY OF FREEPORT
WOOD	CITY OF FREEPORT
ICE	CITY OF FREEPORT



AUG 31 1987

**SPECIAL PERMIT EXHIBIT**  
**6240 FREEPORT BLVD.**  
 APN: 035-084-027



B/B/T MANAGEMENT  
 335-084-026

B/B/T MANAGEMENT  
 035-084-026

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 31 1987	

**JTS** ENGINEERING CONSULTANTS, INC.  
 811 J. STREET

P-87-392

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# FLOOR PLAN

A-2

THE CIRCLE K CORPORATION  
 1001 SOUTH AVENUE, PHOENIX, ARIZONA 85006 (602) 253-9900  
 3636 W. AVENUE, PHOENIX, ARIZONA 85018  
 RING LAMBER NUNZ AND COLLAMER ENGINEERS



REVISION	DATE	BY

**ABBREVIATIONS**

1" = 1'-0"    1/8" = 1'-0"

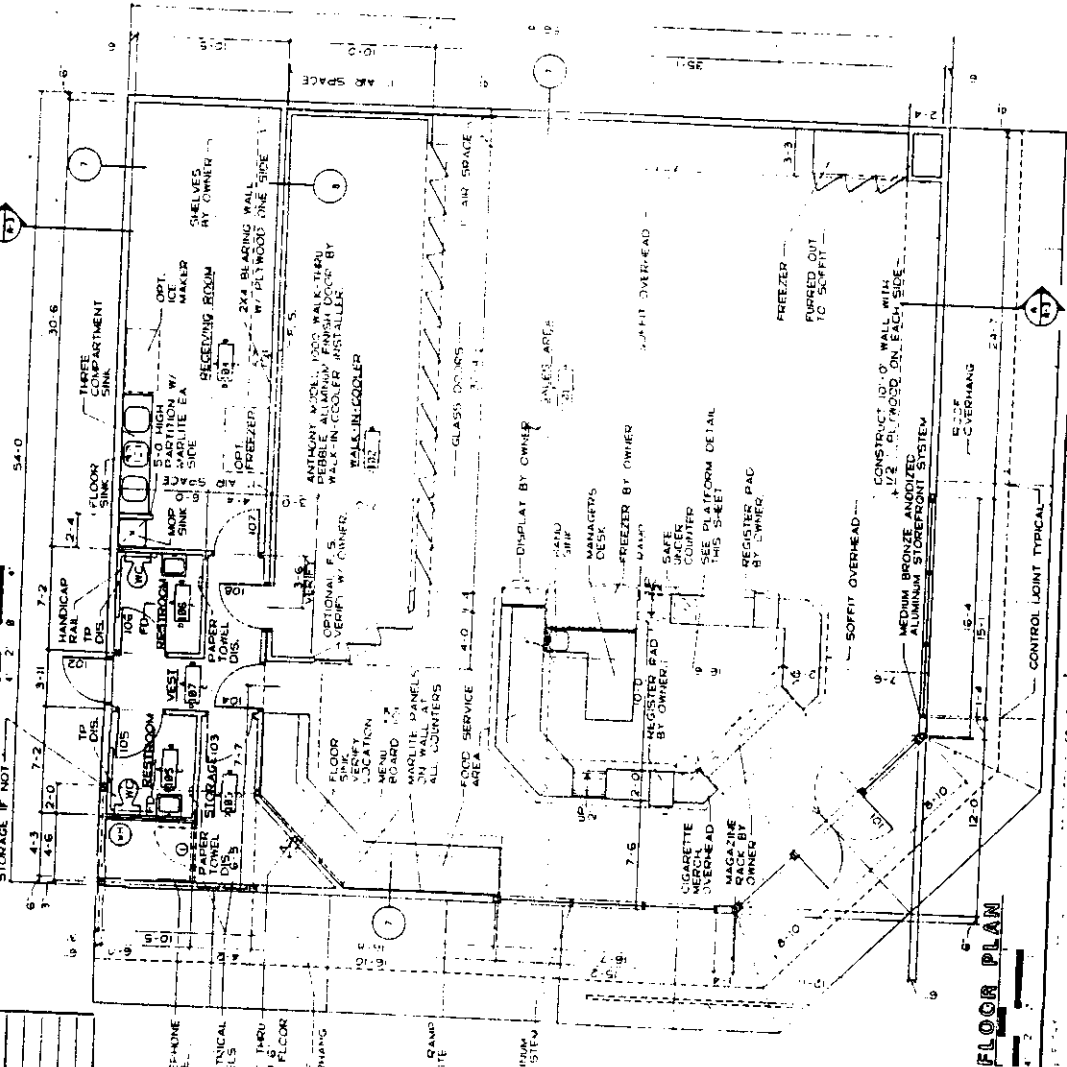
ALL DIMENSIONS UNLESS OTHERWISE NOTED

**PLATFORM DETAIL**

SECTION

3/4" PLYWOOD ON TAPERED 2x4'S

2x4'S LAYED SUPRAPLANT WITH CHANGING



**FLOOR PLAN**

**ROOM FINISH SCHEDULE**

ROOM	FINISH	WALLS	CEILING	HEIGHT	REMARKS
RESTROOM	WALLS	MARLITE	FACTORY FIN.	8'-0"	THIS RESTROOM IS CAPITAL ONLY. INSTALL ONLY WHEN REQUIRED. WIRE KEYS. STORAGE IF NOT.
	CEILING	FACTORY FIN.	FACTORY FIN.	8'-0"	
TOILET	WALLS	MARLITE	FACTORY FIN.	8'-0"	THIS RESTROOM IS CAPITAL ONLY. INSTALL ONLY WHEN REQUIRED. WIRE KEYS. STORAGE IF NOT.
	CEILING	FACTORY FIN.	FACTORY FIN.	8'-0"	
CLOSET	WALLS	MARLITE	FACTORY FIN.	8'-0"	THIS RESTROOM IS CAPITAL ONLY. INSTALL ONLY WHEN REQUIRED. WIRE KEYS. STORAGE IF NOT.
	CEILING	FACTORY FIN.	FACTORY FIN.	8'-0"	

WALLS: MARLITE FIN. W/ 1/2" GYPSUM BOARD INSULATION AND R-30 CEILING

**DOOR SCHEDULE**

NO.	TYPE	REMARKS	NO.
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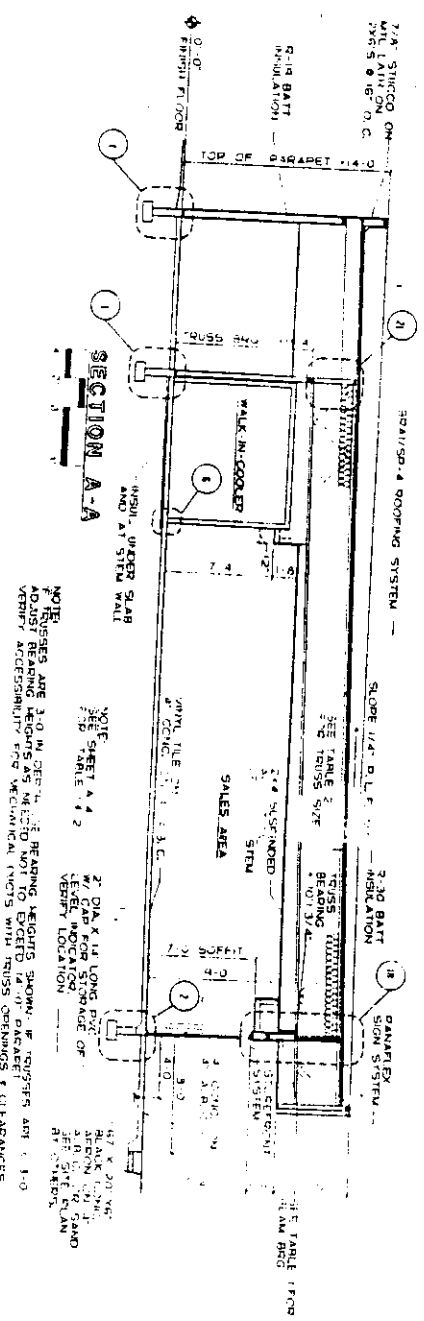
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12-3-87 to 8-87 #12-87

Item 22/100

# ELEVATIONS



NOTE:  
FRUSERS ARE 3.0 IN. DIA. X 1.5 BEARING HEIGHTS SHOWN. IF FRUSERS ARE 1.5-2.0 IN. DIA. X 1.5 BEARING HEIGHTS AS NOTED, VERIFY BEARING HEIGHTS AND MECHANICAL TIGHTS WITH TRUSS COMPANY & CLEARANCES.

NAILING SCHEDULE	
CONNECTION	NAILING
TO 2x4 OR 2x6	16d
TO 2x8 OR 2x10	16d
TO 2x12	16d
TO 4x4 OR 4x6	16d
TO 4x8 OR 4x10	16d
TO 4x12	16d
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RIGHT SIDE ELEVATION

LEFT SIDE ELEVATION

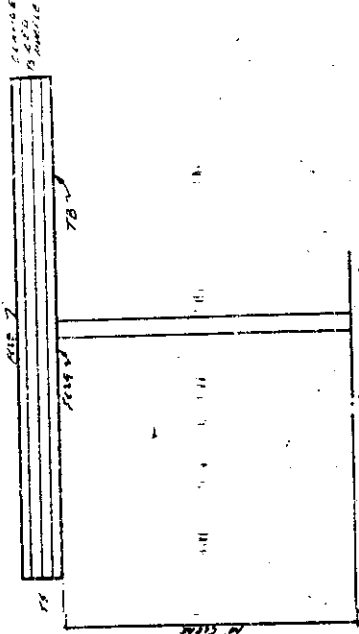
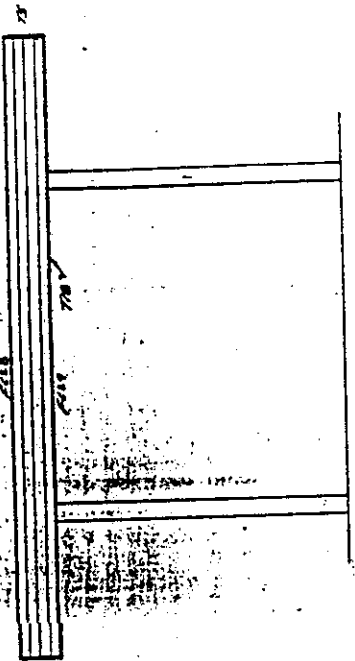
REAR ELEVATION

FRONT ELEVATION

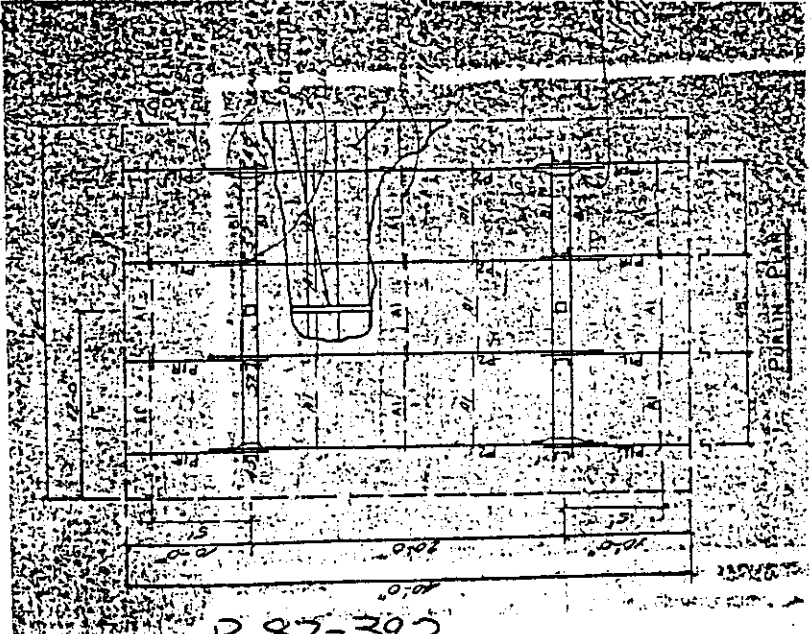
EXTERIOR ELEVATIONS

P-87-392757 - 12-3-87 - CIRCLE K CORP. #12-87 - 10-8-87 - item 208

# CANOPY ELEVATION



MONITOR, INC.		PROJECT	DATE	DESCRIPTION
NO. 1	NO. 2	NO. 3	NO. 4	NO. 5
MONITOR, INC.		1000 ...	10/15/87	BASE ELEVATION
DATE	BY	SCALE	DRAWING	



1 - GAS 24\"/>

2 - 2 1/2\"/>

70\"/>

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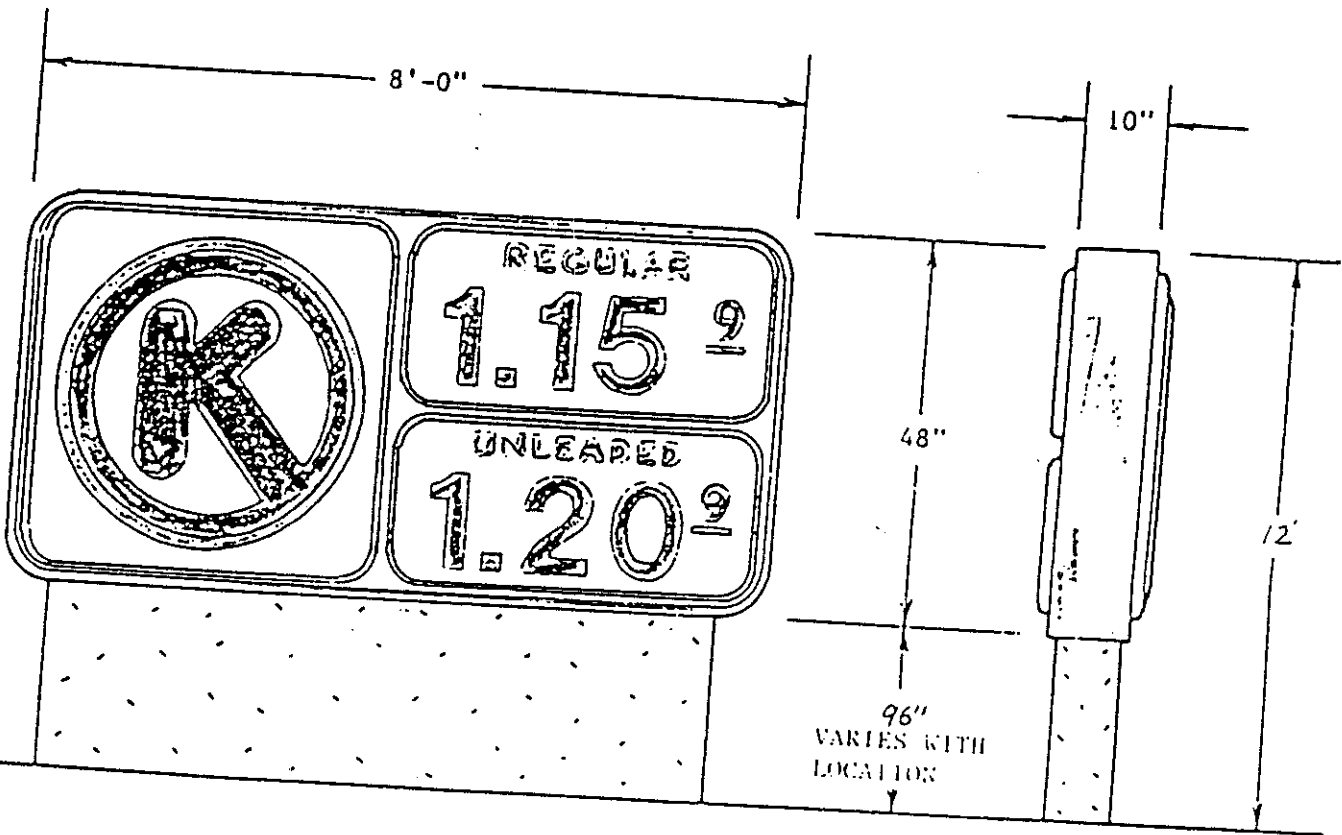


# MONUMENT IDENTIFICATION

## MONUMENT SIGN

SIGN FACES ARE POLYCARBONATE PLASTIC:  
 TO CLEAN, USE CLOTH OR PAPER TOWEL WET WITH WATER,  
 A MILD DETERGENT SUCH AS JOY OR TIDE MAY BE ADDED TO THE WATER. DO NOT USE SOLVENTS SUCH AS ALCOHOL OR GASOLINE.

*- 52K 11*



FACE SHROUD .063 ALUMINUM  
 TEXTURED ALL AROUND  
 TO MATCH BUILDING

ELECTRICAL LOAD: 3.8 AMP/120 VOL.  
 DESIGN WIND LOAD: 40 PSF  
 SIGN CARRIES I.L.L. LABEL  
 LAMPS: (5) F96 T12/HO/CK  
 BALLAST: (1) UNL. 51-745-1  
 SIGN AREA: 24 SQ. FT.

NO.	DATE	REVISION	COUNTY APPROVAL	BY

12-3-87 SOUTHEAST CORNER OF  
 MARYSVILLE BLVD. & GRAND AVE.

Item 29  
 SHEET 8

# EXHIBIT A

## TRASH ENCLOSURE GUIDELINES

The walls of the trash enclosure structure shall be constructed of solid masonry material and the exterior surface finished in a manner compatible with the main structure(s).

The trash enclosure structure shall have heavy gauge metal gates and designed with cane bolts on the doors to secure the gates when in the open position. The hinges shall be sufficient in size, strength and number to adequately support the metal gates.

The trash enclosure facility shall be designed to allow walk-in access by janitors without having to open the main enclosure gates;

The walls shall be a minimum six feet in height, more if necessary for adequate screening.

The perimeter of the trash enclosure structure shall be screened with landscaping, including a combination of shrubs and/or climbing evergreen vines.

A concrete apron shall be constructed in front of the trash enclosure facility or at point of dumpster pickup by the waste removal truck. The location, size and orientation of the concrete apron shall depend on the design capacity of the trash enclosure facility (number of trash dumpsters provided) and the direction of the waste removal truck at the point of dumpster pickup;

The minimum dimensions of the concrete apron for a single, two cubic yard dumpster shall be: width 10 feet or width of enclosure facility; length 20 feet. Larger trash enclosure facilities shall require a larger concrete apron, subject to the approval of the City Building Inspections Division Building Technician (Plan Checker);

Paving material shall consist of 5" aggregate base rock and 6" portland cement paving.

~~A trellis structure covering the trash facility shall be constructed to screen these units from view from the upper floors of the office building.~~

# EXHIBIT B CORRESPONDANCE



## BLOMBERG WINDOW SYSTEMS

1453 BLAIR AVENUE • P.O. BOX 22485 • SACRAMENTO, CALIFORNIA 95822-0485 • (916) 428-8060

July 31, 1987

RECEIVED

AUG -6 1987

TO WHOM IT MAY CONCERN:

Planning and Development

This copy of my verified protest to the Department of Alcoholic Beverage Control is intended only for your information. No reply to me is expected.

My timely filing with ABC should assure a hearing on the issue. When I am notified of the date of that hearing I will notify you of the time and place. If it appears to be within your field of concern to support contentions raised by me, I would be pleased for you to add your testimony in support. If, of course, you disagree with my conclusions you are obviously free to so testify.

I trust we can all work together for a quality environment for Sacramento citizens and businesses.

Thank you for taking the time to review this lengthy document.

*Harold Blomberg*  
Harold Blomberg

Harold Blomberg  
Blomberg Window Systems  
1453 Blair Avenue  
P.O. Box 22485  
Sacramento, California 95822  
(916)428-8060

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item 20

Department of Alcoholic Beverage Control  
1901 Broadway  
Sacramento, CA 95818

Gentlemen:

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to Circle K Convenience Stores, Inc.  
Name(s) of Applicant(s)

for premises at 6240 Freeport Blvd., Sacramento, CA 95822  
Exact address of proposed premises

on the grounds that: see "Attachment A"

I, Harold R. Blomberg, declare under penalty of perjury:  
Name of Protestant

That I am the protestant herein; that I have read the above protest and know the contents thereof; that the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe them to be true.

Executed on July 31, 1987 at Sacramento California.

Harold R. Blomberg  
Name (printed) Harold R Blomberg  
Signature of Protestant

(916)428-8060  
Telephone Number

1453 Blair Avenue, Sacramento, CA 95822  
Address of Protestant

ABC-510 (8-85)  
P-87-392

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~~11-17-87~~  
~~10-8-87~~

item 20  
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July 31, 1987

ATTACHMENT A

A response to protest the issuance of a license under the Alcoholic Beverage Control Act to Circle K Convenience Stores, Inc. for premises at 6240 Freeport Blvd., Sacramento, California.

I am the President and one of the owners of Blomberg Window Systems, the manufacturing and sales business that has been located at 1453 Blair Avenue for thirty years. Our property abuts the applicants premises for 158 feet on the north and 136 feet on the west. The areas of our yard nearest Blair Avenue and Freeport Blvd. are used for employee parking, (see drawing Enclosure I). The balance of the property adjacent to the Circle K site is used for truck parking and storage of glazed window products. Our business hours are from 8:00 A.M. until 5:00 P.M., Monday through Friday. Our employees, however, may be at work in scattered departments from 6:00 A.M. until 2:00 A.M..

We believe that the granting of an off-sale beer and wine license to Circle K Convenience Stores at 6240 Freeport Blvd., Sacramento, would adversely affect us for the following reasons: (\*)

1. Due to the very limited size of the Circle K site, their customers would tend to park in our employees parking places.
2. Our employees cars would be increasingly broken into due to the increased contact with Circle K customers stopping to buy beer and wine.
3. The incidence of break-ins into our truck and product yard would increase because Circle K customers or others could justify loitering at all hours of the day or night along our property fences.
4. Circle K customers could throw empty beer or wine bottles over our fences and end up breaking glass in our products and our trucks.
5. Young ladies in our accounting department, who often work late hours, would have to walk around the Circle K site after dark to get to their cars. The Circle K customers who come to buy beer and wine at night would present these ladies with a psychological as well as physical threat to their safety.
6. Young six to twelve year old children from the residential neighborhood just to the north and west must walk around the Circle K site in order to get to and from their school at 43rd Avenue and 13th Street. They would have to walk through the increased traffic generated by customers of Circle K.

(\*Many of these are based on our concern that a 24 hour beer and wine outlet at this location would be conducive to becoming a gang hangout with a very real potential for anti-social behavior.)

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ATTACHMENT A (continued)

7. This increased traffic will occur at an intersection that is already prone to accidents for the following reasons:
- a.) Freeport Blvd. south of Blair Avenue goes for 1.2 miles without stop signs or cross streets. Traffic tends to speed up as it comes south out of town, accelerating through the intersection.
  - b.) Traffic going north on Freeport has been traveling fast and sometimes hurries to get through before the light changes.
  - c.) A great many cars turn west off Freeport Blvd. onto Blair Avenue and would continuously block the orderly entrance and exit of Circle K customers.
  - d.) Some motorists turn right onto Blair Avenue and then immediately try to turn left onto the Freeport Blvd. access road. Since east bound traffic on Blair Avenue is usually lined up at the Freeport Blvd. stop light, the motorist wanting to cut through to the access road is forced to stop in the street leaving a line of west turning cars blocking traffic in all directions including those wanting to enter or leave the Circle K site.
  - e.) For south bound customers to return to Freeport Blvd., they would most logically leave the premises from the Freeport Blvd. driveway. There, they must first get through the curbside west turning traffic and then join the line of vehicles waiting at the stop signal. This line is usually backed up farther north than the Circle K site and can not be entered until the traffic starts moving. When it is again moving, the Circle K customer must barge in, cutting through the line of motorists making a right turn.
  - f.) The industrial area to the south and west has just experienced a gigantic building boom that must have doubled the available floor space. All of these unoccupied buildings will soon be leased and essentially all of the trucking and employee cars that service these leased buildings must come through the Freeport-Blair intersection. When that occurs, congestion around the Circle K site will increase dramatically. Since it is already congested, even with a stop light, adding beer and wine customers will only make it worse.

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ATTACHMENT A (continued)

8. Noise from Circle K beer and wine customers would affect the peace and tranquility of the residential area to the north and west especially at late hours. This residential area starts less than 100 feet from the Circle K site. Because this residential area is sensitive to outside noise we have tried over the years to limit our yard activity to 7:00 A.M. until 3:30 P.M.. We believe 24 hour beer and wine sales would have an adverse effect on this residential area.

9. We can not see a need for additional off-sale beer and wine sales in this area, (see attached map and descriptive list marked Enclosure IIa & IIb).

A survey of the surrounding area shows that there are already seventeen other stores selling beer and wine within 1.5 miles of the applicant's site. Of these, three stay open 24 hours a day and also sell groceries and gasoline. Six others stay open until 11:00 P.M. and the balance are open until 8:00, 9:00, or 10:00 P.M..

The need for beer and wine sales in the immediate area of the applicant's site is minimal for the following reasons:

- a.) The entire east side of Freeport Blvd. is occupied by the Executive Airport and has no off-sale beer and wine requirements.
- b.) The area south and west consists of sparsely occupied industrial sites with no off-sale beer and wine requirements.
- c.) The area north and west is isolated residential and already served by the centrally located Airway Market.
- d.) The area north from Corti Brothers to William Land Park, approximately 0.9 miles long and all within 1.5 miles of the Circle K site, already has nine businesses offering off-sale beer and wine. Two of them are open 24 hours a day. In addition, 0.16 miles further north on Freeport Blvd. at 11th Avenue, Circle K already has a 24 hour off-sale beer and wine outlet.

To extend beer and wine sales to the south, is to misplace this service into an area without need, and in the process tend to blight the rational and reasonable development of Freeport Blvd. .

ATTACHMENT A (continued)

10. We believe it is inappropriate for off-sale beer and wine to be offered directly across the street from the main entrance to the Sacramento Executive Airport. This major local transportation center with its increasingly pretentious buildings provides over a mile of landscaped frontage along Freeport Blvd.. To consider placing an unnecessary Circle K beer and wine license right in the center of this is to downgrade for all time the opportunity to impress important people who daily come and go from Sacramento using this facility.

No one in Sacramento is well served by this short sighted willingness to support a marginal investment in a mis-placed mini-mart.

11. It might seem self-serving but we believe that as a Sacramento business located at our present site for approximately thirty years we have tried to raise the standards in the community we occupy. We have tried to build and landscape our buildings to architecturally enhance the beauty of Blair Avenue to the benefit of the community, our customers and our employees. Regularly we have our janitors walk up and down both sides of Blair Avenue picking up trash and rubbish some of which comes from our employees, but some of which comes from the traffic on Blair Avenue. If a Circle K with an off-sale beer and wine license is located on the corner of Blair and Freeport, we believe maintaining a clean policed up street will become measurably more difficult.

We have also tried to make our work place as pleasant as we could for our employees, free of the influence of alcohol and drugs. Now we are presented with the prospect of a Circle K selling beer and wine right in the heart of our operation. An easy walk for our employees at break or lunch time could provide them with ready access to what we have tried to restrict during working hours.

One can not rule out the possibility that this Circle K commercial site, available to the entire public without restriction 24 hours a day may become a good place for outsiders to do drug business making contact with an otherwise isolated community.

We do not believe the community, its citizens and businesses, and the values they have struggled for years to nurture and develop, should suddenly become the victims of an ill-advised request for a license to offer off-sale beer and wine in an inappropriate location.



ATTACHMENT A (continued)

Surely the overwhelming evidence is that to approve this application would not be in either the public interest or the larger greater Sacramento public interest.

Sincerely,

BLOMBERG WINDOW SYSTEMS

*Harold Blomberg*  
Harold Blomberg  
President

Enclosure I - Drawing of northwest corner of Freeport Blvd.  
and Blair Avenue

Enclosure IIa-Map

Enclosure IIb-List of business now selling beer and wine within  
1.5 miles of Circle K site

cc: Sacramento City  
Police Department  
Traffic Engineer  
~~Planning and Development Department~~  
Office of Economic Development

Sacramento Executive Airport Manager

Phylis Coffey, (nearest resident to site)

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BLAIR AVENUE

HOPKINS STREET

BOOTH LANE

RESIDENTIAL

# BLOMBERG WINDOW SYSTEMS

1453 BLAIR AVENUE • P.O. BOX 22485 • SACRAMENTO, CALIFORNIA 95822-0485 • (916) 428-8060

BLOMBERG WINDOW  
EMPLOYEE  
PARKING

PROPOSED CIRCLE K  
6240 FREEPORT

BLOMBERG WINDOW SYSTEMS  
EMPLOYEE PARKING

FREEPORT BLVD.

136'

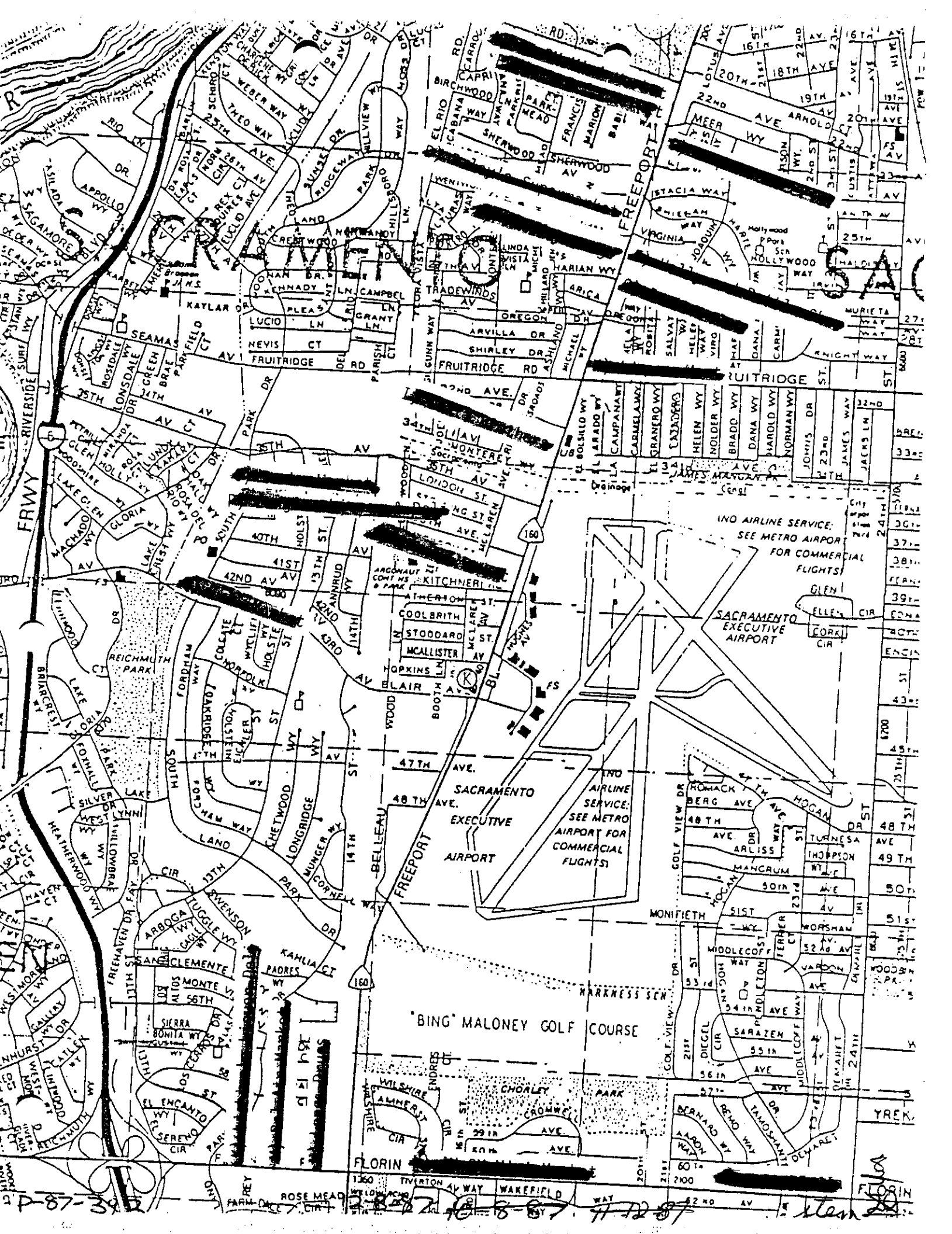
158'

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ENCLOSURE I

Item 20



SAC

NO AIRLINE SERVICE.  
SEE METRO AIRPORT  
FOR COMMERCIAL  
FLIGHTS

SACRAMENTO  
EXECUTIVE  
AIRPORT

NO  
AIRLINE  
SERVICE.  
SEE METRO  
AIRPORT FOR  
COMMERCIAL  
FLIGHTS

'BING' MALONEY GOLF COURSE

A 87-312

16-8-87 11-12-87

stan

<u>NAME</u>	<u>CLOSING</u>	<u>BEER WINE</u>	<u>GRO- ERIES</u>	<u>GAS</u>	<u>APPROX. DISTANCE FROM PROPOSED CIRCLE K SITE</u>
<u>NORTH</u>					
A) AM-PM Mini Market	24 hrs	X	X	X	1.5
B) Come & Go Market	24 hrs	X	X	X	1.4
C) Liquor-Groceries	11 PM	X	X		1.3
D) Raley's Supermarket	11 PM	X	X		1.2
E) Thrifty Drugs	9 PM	X			1.1
F) Hollywood Bottle Shop	11 PM	X			1.1
G) Pocket Club (On-Off Beer&Wine Sales)	11 PM	X			1.0
H) Liquor Mart	9 PM	X			0.8
I) Corti Brothers	8 PM	X	X		0.6
J) Airway Market	8 PM	X	X		0.3
<u>SOUTH</u>					
K) Lichines Liquors	10 PM	X			1.5
L) AM-PM Mini Market	24 hrs	X	X	X	1.4
M) Bel Air Market	9 PM	X	X		1.4
N) Longs Drugs	9 PM	X			1.3
<u>WEST</u>					
O) Jumbo Market	10 PM	X	X		1.1
P) Bergies Liquor & Deli	11 PM	X	X		1.1
Q) 7-11 Market	11 PM	X	X		0.8

ENCLOSURE IIB

P-87-392

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~~10-8-87~~

item 20



CITY OF SACRAMENTO

CITY PLANNING DIVISION

JUL 07 1987

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DEPARTMENT OF POLICE  
HALL OF JUSTICE  
813 6TH STREET

SACRAMENTO, CALIFORNIA 95814  
TELEPHONE (916) 449-5121

JOHN P. KEARNS  
CHIEF OF POLICE

July 1, 1987

Ref. No. 7-1

MEMORANDUM

TO: WILL WEITMAN, SENIOR PLANNER  
DEPARTMENT OF PLANNING AND DEVELOPMENT

FROM: JERRY V. FINNEY, ASSISTANT CHIEF OF POLICE  
DEPARTMENT OF POLICE

SUBJECT: PROPOSED 24-HOUR CIRCLE K - 6420 FREEPORT BOULEVARD

This memorandum is in response to your request dated June 22, 1987. The following questions were asked regarding a proposed 24-hour Circle K convenience market with gasoline sales:

1. Would a 24-hour convenience market at this location create any adverse impacts in the neighborhood?
2. Have there been any problems with the existing gas station use?
3. Will the convenience market be a potential detriment to the residential tract located to the northwest of the site?
4. Should we prohibit sale of alcoholic beverages after 11:00 p.m.?
5. Should we put other conditions on this Special Permit such as prohibit sale of individual cans of beer (six packs, 12 packs or cases only)?

Although the impact a 24-hour convenience store will have upon an area is difficult to predict, some of the possible effects include an undesirable increase in foot and vehicle traffic, loitering and drinking, and possibly becoming a hangout for youth and a criminal element. While these are some of the possibilities, there are some things that can be done to prevent them from occurring. Post the area "No Loitering" and "No Drinking", and don't put any video games or pinball machines in the store. This will make it less attractive to youth who might loiter and cause problems.

As far as the existing gas station is concerned, there haven't been any problems reported.

12-3-87  
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MEMORANDUM

Will Weitman, Senior Planner  
Page Two

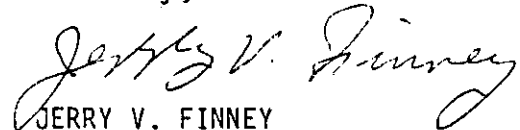
July 1, 1987

Along with the aforementioned possibilities, another one also exists. This location might become a robbery target. With the hours of operation being around-the-clock, the possibility of robbery is greater.

Prohibiting the sale of alcoholic beverages after 11:00 p.m. and restricting the sales to six-packs or 12-packs are desirable constraints. These two restrictions would probably have an impact upon the type of person drawn to the store and upon any possible loitering problem.

Any 24-hour convenience store has the potential to cause problems for an area. If handled properly, these potential problems can be minimized or eliminated. This seems to be the case with the proposed Circle K Mini-Mart at 6240 Freeport Boulevard. We feel if handled properly, this mini-mart should have minimum impact upon the neighborhood.

Sincerely,



JERRY V. FINNEY  
ASSISTANT CHIEF OF POLICE  
DEPARTMENT OF POLICE

JVF:lm

P-87-392

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**RICHARD B. BUHLER**  
1851 HERITAGE LANE, SUITE 128 • SACRAMENTO, CALIFORNIA 95815  
(916) 920-4341

CITY PLANNING DIVISION

NOV 12 1987

**RECEIVED**

November 9, 1987

Mr. Daniel J. Hendryks  
Planning Department  
City of Sacramento  
1231 I Street - Suite 200  
Sacramento, California

Re: Project App. No. P87-392  
Assessor's Parcel #035-084-027

Dear Mr. Hendryks:

I am an owner of Freeport Mini Storage, 1476 Blair Avenue, across Blair Avenue from the proposed development.

I am opposed to the granting of a Special Use Permit for a convenience market or any similar development until the hazardous traffic situation is resolved at the corner of Blair Avenue and Freeport Boulevard.

For over 15 years the City has vacillated on closing the Freeport Boulevard access road South of Blair Avenue. In 1974, we gifted the Westerly corners of our property to the City to enable the frontage road to be closed and the traffic to be routed around the South and West lines of our property. The roadways have been installed, but the access road remains open.

The increased traffic that would be created by this proposed use would assuredly place motorists passing this intersection at unjustifiable risk.

Cordially,

  
Richard B. Buhler  
Freeport Mini Storage.

P-87-392

12-2-87

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